

**JOURNAL  
OF THE  
SENATE  
OF THE  
STATE OF ALABAMA  
REGULAR SESSION OF 1975**

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**TWENTY-THIRD LEGISLATIVE DAY  
THURSDAY, AUGUST 14, 1975**

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

**PRAYER**

The Session was opened with prayer by the Reverend James Hankins, Minister, Riverside Baptist Church, Holtville, Alabama.

**ROLL CALL**

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

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**JOURNAL**

On motion of Mr. Flippo, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-second Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

**E. C. FOSHEE,**  
Chairman.

## COMMITTEE REPORT

On motion of Mr. Foshee, the foregoing report was concurred in and the Journal of the Senate for the Twenty-second Legislative Day was approved by the Senate.

## LEAVES OF ABSENCE

On motion of Mr. Flippo, leave of absence was granted Mr. Weaver for today.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 116. CREATING AN INTERIM COMMITTEE TO STUDY ALABAMA'S SUNDAY CLOSING LAWS.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 702. Relating to Fayette County; further regulating the compensation of the county superintendent of education; and giving this act retroactive effect.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been



publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 71. Further amending Code of Alabama 1940, Title 22, Section 21 and 22 relating to Vital Statistics redefining registration districts and provide for local and deputy registrars.

Also:

H. 84. To require the directors of all laboratories in this state to report all positive tests for tuberculosis to the State Board of Health, and prescribing penalties for violations.

Also:

H. 181. To amend Title 52, Section 341, Code of Alabama, 1940, to provide that the city or county superintendent may excuse an educator from attendance at institute held prior to the beginning of the school term or during the term in the same manner and under the same policies governing such leave on any other regularly scheduled work day.

Also:

H. 391. To authorize the Clerk of the House and Secretary of the Senate to trade in any equipment purchased for the use of the respective houses of the Legislature on purchases of new equipment therefor.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 58. To amend Section 15 of Act No. 89, H. 234, Regular Session 1939 (Local Acts 1939, p. 47), creating the Municipal Utilities Board of Decatur so as to raise the amount of expenditure for any new construction, additions, or replacements to the electric plant requiring approval by the City Council of the City of Decatur.

Also:

H. 114. Relating to Choctaw County, Alabama; levying a privilege license or excise tax on certain sellers and distributors of spiritous or vinous liquor; levying a privilege license or excise tax upon sellers, distributors, storers, or users of malt or brewed beverages; authorizing the county commission to levy an additional tax upon such sellers, distributors, storers, or users of malt or brewed beverages; providing for the administration of the Act by the Probate Judge and the collection, apportionment, and distribution of the proceeds of the Act; prescribing penalties for violations and giving the Act a retroactive effect.

Also:

H. 439. Relating to Marshall County, granting the county board of education the discretionary power to set the salary of the county superintendent of education, and providing also that said superintendent shall receive any increase in salary as may be granted to the teachers of said county.

Also:

H. 301. To authorize the Marengo County Commission to pay an expense allowance to the judge of probate in Marengo County, and to make the provisions of this act retroactive.

Also:

H. 712. To authorize county and municipal governments in counties with populations of not less than 24,000 nor more than 24,800 according to the most recent federal decennial census to enter into cooperative agreements for the administration of comprehensive land management controls as authorized under Act No. 119, H. 132, 1971 Third Special Session (Acts of Alabama 1971, Vol. V. p. 4346), and as required to allow such governmental units to meet the requirements of the National Flood Insurance Act of 1968, as amended.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 123. To amend the title and Section 1 of Act No. 302, S. 394, approved August 27, 1915 (Acts 1915, p. 322), creating an election commission for certain cities classified on a population basis, and to provide further for the composition of such commission.

Also:

H. 323. To alter, rearrange and extend the boundary lines and corporate limits of the City of Gardendale, in Jefferson county.

Also:

H. 57. Relating to Morgan County; to alter, rearrange and extend the boundary lines and corporate limits of the Town of Trinity.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

## RESOLUTIONS

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 85. Resolved by the Senate, That the following bills shall be the paramount and continuing order of business, upon reaching bills on 3rd reading, for the 23rd legislative day only:

Bill No.	Page	Description
H. B. 212	35	Death Penalty
H. B. 571	42	Probate Judges
S. B. 14	37	State Income Tax
S. B. 701	31	Agriculture
S. B. 457	16	Agriculture
S. B. 464	23	Motor Vehicle Regulation
S. B. 658	81	Manufactured Goods
S. B. 659	82	Industrial Development
S. B. 369	87	Mental Health
S. B. 373	87	Mental Health

S. B. 140	23	Public Utilities
H. B. 14	44	Pardon and Paroles
S. B. 460	25	Railway policemen
S. B. 461	25	Unlawful riding
S. B. 100	25	Traffic Safety
S. B. 130	26	Estates
S. B. 616	19	Legislature
H. B. 903	94	Peace Officers
S. B. 479	52	Higher education
S. B. 797	81	Real Estate Commission
S. B. 75	7	Office of Pros. Services
S. B. 683	27	Const. Comm.
S. B. 660	57	Veterinarians
S. B. 106	31	Emergency care
S. B. 440	8	Voting
S. B. 223	21	Public Service Commission

All uncontested local bills as they appear on the Calendar.

On motion of Mr. Foshee, said Resolution was adopted by the Senate.

### INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Foshee:

S. 1026. To establish within the Executive Office of the Governor a Community Services Administration (CSA). This Administration will become the successor agency to the State Economic Opportunity Office authorized under provisions of the Economic Opportunity Act of 1964, as amended.

Committee on State Government.

By Mr. Baker:

S. 1027. Relating to carriers; requiring liquid pipeline systems used by carriers in the transportation of liquid petroleum to comply with certain standards of safety; granting certain additional rights, powers and authority to the Alabama Public Service Commission to carry out the purposes of this act; prescribing jurisdiction of courts for injunctive proceedings; and prescribing monetary sanctions for violations of certain standards of safety.

Committee on Commerce, Transportation, and Utilities.

By Mr. Baker:

S. 1028. To provide that members of the Enforcement Division of the Public Service Commission designated in writing by the Public Service Commission shall have the powers of peace officers and deputy sheriffs in this State and may exercise such powers anywhere within the State.

Committee on Commerce, Transportation, and Utilities.

By Messrs. King, Mitchell and Stewart:

S. 1029. Relating to the registration of electors and voters; prescribing procedures and qualifications therefor; providing for time off from employment to vote; regulating further the meetings of the boards of registrars; providing for a method of registering in the probate office; providing for deputy registrars; prescribing duties of the secretary of state respecting registration materials; providing for the preparation and maintenance of registration lists; providing for and regulating absentee voting; and for such purposes amending Code of Alabama 1940, Title 17, Sections 12, 14, 15, 16, 29, 35, 37, 38, 40, 43, and 53 and repealing Sections 13, 17, 18, 19, 20, 25, 26, 27, 28, 30, 31, 32, 33, 41, 44, 45, 46, 47, 48, 49, 50, 51, 52, and 54, and repealing Act No. 585 of the 1949 Regular Session, Act No. 577 of the 1959 Regular Session, Act No. 346 of the 1945 Regular Session, Act No. 92 of the 1961 Regular Session, Act No. 529 of the 1957 Regular Session, certain sections of Act No. 750 of the 1951 Regular Session, Act No. 604 of the 1969 Regular Session, Act No. 2426 of the 1971 Regular Session, Act No. 424 of the 1949 Regular Session, Act No. 174 of the 1961 Special Session, Act No. 183 of the 1964 Special Session, and Act No. 795 of the 1965 Regular Session, and amending Act No. 586 of the 1959 Regular Session, Act No. 253 of the 1964 Special Session, Act No. 6 of the 4th Special Session of 1950, Act No. 266 of the 1949 Regular Session, and Section 7 of Act No. 750 of the 1951 Regular Session.

Committee on Constitution and Elections.

By Mr. Baker:

S. 1030. Relating to fees to be paid to the Public Service Commission by certain gas systems.

Committee on Commerce, Transportation, and Utilities.

By Mr. Baker:

S. 1031. To amend Section 301 (29) Title 48, Code of Alabama (Recompiled 1958) to provide for an increase from fifty thousand dollars annually retained by the Public Service Commission to five hundred thousand dollars annually.

Committee on Commerce, Transportation, and Utilities.

By Mr. Mitchell:

S. 1032. To authorize the State Board of Health to purchase, lease, accept, or acquire suitable sites for the concentration, storage, and disposal of radioactive wastes and other hazardous chemical materials; to provide for the supervision of the operation of such sites; to contract with public or private agencies for the operation of maintenance of such sites; to fix by contract, or to establish and revise from time to time and charge and collect revenues, rentals, rates, and charges for the use of the services and facilities of such sites; to establish a perpetual fund for the maintenance of

such sites in a manner consistent with the interests of the public health and safety; and to authorize the State Board of Health to prepare and enforce regulations pertaining to the use and operation of such sites.

Committee on Health and Welfare.

By Mr. Wilson:

S. 1033. Relating to all counties having populations of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census, fixing the base salary for the secretaries in the offices of the Judge of the Inferior Court, the Intermediate Court, and the District Attorney's Office.

Committee on Local Legislation No. 1.

By Mr. Baker:

S. 1034. Amending Title 48, Section 301 (30) E relating to the registration of vehicles of motor carriers.

Committee on Finance and Taxation.

By Mr. Little:

S. 1035. Relating to the largest city in all counties having a population of not less than 60,000 nor more than 65,000 inhabitants according to the most recent or any subsequent federal decennial census; to empower recorders courts in said counties to suspend sentences or grant probation under certain conditions.

Committee on Local Legislation No. 1.

By Mr. Shelby:

S. 1036. To create an additional judgeship for the Sixth Judicial Circuit of Alabama and provide for the election, term, compensation, powers, duties and authority of such judge.

Committee on Finance and Taxation.

By Mr. McMillan:

S. 1037. Providing further for the residency requirement at any institution of higher learning.

Committee on Education.

By Messrs. McMillan, Vacca, Clemon, Pearson and Ellis:

S. 1038. To amend the title and Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 21 and 24A and to strike Sections 17, 18, 19 and 20 of Act No. 96, H. 490, Regular Session 1965 (Acts 1965, p. 1974) which relates to the establishment of an inferior court in Jefferson County known as the Civil Court of Jefferson County.

Committee on Local Legislation No. 2.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To amend the title and Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 21 and 24A and to strike Sections 17, 18, 19 and 20 of Act No. 96, H. 490, Regular Session 1965 (Acts 1965, p. 1974) which relates to the establishment of an inferior court in Jefferson County known as the Civil Court of Jefferson County.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 96, H. 490, Regular Session 1965 (Acts 1965, p. 1974) is amended to read as follows:

To establish an inferior court in Jefferson County, Alabama; to establish a small claims division within said court; to fix and define the jurisdiction and powers of this newly established Court and the officers thereof; to provide for the election or appointment of the Judges and the number of Judges therein and for their compensation; to provide that the Judges now serving as such in the Civil Court of Jefferson County and the Court of General Sessions of Jefferson County shall be constituted and appointed judges of this newly established Court in the same or similar capacity as said judges now occupy in the Civil Court of Jefferson County; to provide for the election or appointment of other officers of this court, including a clerk, and the tenures of said officers and the duties they shall perform; to provide for the rules of procedure in this court and to fix the method of the issuance and service of all processes therefrom, and to provide for the service of all said processes by the constables, sheriff or other officer of the county in which such processes are to be served or executed; to provide for the transfer of adoption proceedings and for the issuance of writs; to provide for the abolishment of the Jefferson County Civil Court and the Court of General Sessions of Jefferson County; to provide for the transfer of all pending cases and records of the said Jefferson County Civil Court and the Court of General Sessions of Jefferson County to the court created and established by this act; to provide for fees and their levy, taxation and collection in connection with the operation of this newly established court, and to provide for the trial of cases by a judge without a jury; and to provide for said court being a court of record; and to provide for appellate procedure to the circuit court; and to appellate courts and for bonds on appeal; to provide for the regulation of the trials of civil cases in Jefferson County; to make other provisions incidental to the establishment of said inferior court of record, in lieu of the Jefferson County Civil Court and the Court of General Sessions of Jefferson County.

Section 2. Section 1 of said Act No. 96, H. 490, is amended to read as follows:

“Section 1. Abolishment and transfer. The inferior courts now known as the Jefferson County Civil Court and the Court of General Sessions of Jefferson County are hereby abolished. All cases pending in these two courts shall be transferred to the court created by this act. All judgments of these courts shall continue in effect and this new court shall be vested with jurisdiction to enforce such judgments.”

Section 3. Section 2 of said Act No. 96, H. 490, is amended to read as follows:

"Section 2. Establishment. There is hereby established an inferior court in Jefferson County, Alabama which shall be known as the Civil Court of Jefferson County hereinafter referred to as this court. This court shall have concurrent jurisdiction with the Tenth Judicial Circuit Court of Alabama, Birmingham Division, and similar jurisdiction in precinct 53, which may lie outside the present jurisdiction of the said circuit court, in all civil actions in which the matter in controversy does not exceed Five Thousand Dollars (\$5,000.00), except that this court may not exercise jurisdiction over the following matters:

(a) actions seeking equitable relief other than:

(1) equitable questions arising in juvenile cases within the jurisdiction of this court; and

(2) equitable defenses asserted or compulsory counterclaims filed by any part in any civil action within the jurisdiction of this court;

(b) any actions enumerated in Rule 81 of the Alabama Rules of Civil Procedure other than:

(1) actions based in negligence against municipalities;

(2) actions seeking substitution of lost or destroyed records or instruments; or

(3) summary motion proceedings;

(c) actions seeking declaratory judgments; and

(d) appeals from probate or municipal courts.

Section 4. Section 3 of said Act No. 96, H. 490, is deleted and the following is inserted in lieu thereof:

"Section 3. Small claims cases. This court shall exercise exclusive jurisdiction over all civil actions in which the matter in controversy, exclusive of interest and costs, does not exceed Five Hundred Dollars (\$500.00) and over all actions based on unlawful detainer. These actions shall be placed on a small claims docket and shall be processed according to uniform rules of simplified civil procedure as may be promulgated by the Supreme Court."

Section 5. Section 4 of said Act No. 96, H. 490, is deleted and the following is inserted in lieu thereof:

"Section 4. Adoption proceedings, primarily cognizable before the probate courts, may be transferred to this court on motion of a party to the proceeding in probate court. Probate Court offices shall maintain records of all adoption proceedings."

Section 6. Section 5 of said Act No. 96, H. 490, is deleted and the following is inserted in lieu thereof:

"Section 5. Rules of civil procedure. The Alabama Rules of Civil Procedure shall be applicable to all actions brought in this court except as they are inconsistent with this act and except as the supreme court may otherwise provide by rule."

Section 7. Section 6 of said Act No. 96, H. 490, is deleted and the following is inserted in lieu thereof:



“Section 6. Trials. All cases in the court shall be tried by the judge, who shall determine all issues of law and fact without a jury.”

Section 8. Section 7 of said Act No. 96, H. 490, is deleted and the following is inserted in lieu thereof:

“Section 7. Court of Record.

(a) This court is a court of record.

(b) Records of proceedings shall be made, maintained and preserved according to rules promulgated by the supreme court, but neither reports or transcripts of proceedings shall be required by law or rule.

(c) Any party may employ a reporter or provide for a transcript of the proceedings on his account.”

Section 9. Section 8 of said Act No. 96, H. 490, is amended to read as follows:

“Section 8. Appeals.

(a) Time. Any party may appeal from a final judgment of this court by notice filed in this court within fourteen days from the date of the judgment or the denial of a post-trial motion, whichever is later, together with security for costs as required by law or rule. A writ of certiorari, with security for costs, may be issued within six months of a final judgment.

(b) To Circuit Court. Except as provided in paragraph (c) of this section, all appeals from final judgments of this court shall be to the circuit court, for trial de novo. An appellant shall not be entitled to a jury trial in circuit court unless it is demanded in the notice of appeal, and an appellee shall have no right to a jury trial unless written demand is filed in circuit court within fourteen days of service upon him of notice of appeal.

(c) To appellate courts. Appeals shall be directed to the appropriate court:

(1) if an adequate record or stipulation of facts is available and the right to a jury trial is waived by all parties entitled thereto;

(2) if the parties stipulate that only questions of law are involved and this court certifies the questions.

(d) Bonds on appeal. No supersedeas bond shall be required in any appeal to the circuit court, and execution of the judgment shall be stayed by timely notice of appeal, pending final judgment on appeal. The supreme court may, by rule, require posting of bonds for costs in appeals.”

Section 10. Section 9 of said Act No. 96, H. 490, is amended to read as follows:

“Section 9. Judges. There shall be three judges of this court, a presiding judge and two associate judges. Each judge shall reside within the territorial jurisdiction of this court. The present judge of the court of general sessions of Jefferson County shall be an associate judge of this court until expiration of the respective term for which he was appointed. The first term of each other said judge shall end on January 1, 1979. Thereafter each judge shall be appointed for a term of four years. The presiding judge, who shall always be the judge who is senior in years of service, shall make all necessary rules for said court and the officers

thereof, and for the filing and trial of cases, and shall distribute and assign work between the judges. The next most senior associate judge shall preside in the absence of the presiding judge. Each judge shall have the power and authority to perform marriage ceremonies."

Section 11. Section 10 of said Act No. 96, H. 490 is amended to read as follows:

"Section 10. Salary of judges. Each judge of this court shall receive an annual salary of twenty three thousand one hundred eighty dollars (\$23,180.00) payable out of the treasury of said county as other salaries are paid."

Section 12. Section 11 of said Act No. 96, H. 490 is amended to read as follows:

"Section 11. Clerk. The present clerk of the court of general sessions of Jefferson County, who is senior in years of service, shall be the clerk of this court and the present clerk of the civil court of Jefferson County shall be the chief deputy clerk of this court, until expiration of the respective terms for which each was appointed; thereafter, the presiding judge shall appoint a clerk pursuant to the civil service laws now or which may hereafter be in force in Jefferson County, who shall give bond in such amount as may be fixed by the county commission from time to time, payable to the State of Alabama and conditioned to faithfully discharge the duties of such office, which bond shall be approved by and filed in the office of the Judge of Probate of Jefferson County, shall be conditioned to pay over all monies to the proper officers and persons to whom it is payable and to faithfully account for all the monies coming into his or her hands by virtue of such office. There shall be the same liabilities and remedies as upon the bond of a clerk of the circuit court and said county commission may make such provisions as they may deem necessary regarding bonds for deputy clerks.

Section 13. Section 12 of said Act No. 96, H. 490, is amended to read as follows:

"Section 12. Court costs and fees. The clerk shall issue all processes out of said court, approve all bonds, keep a docket of said court and its proceedings, certify all appeals and perform such other duties as are usually required of clerks. The fees and costs, except any fees or other charges for the performance of marriage ceremonies by a judge, shall be taxed and collected as now or as may hereafter be provided by law and shall be paid into the county treasury as provided by law.

Court costs and fees on cases which do not exceed one hundred dollars (\$100.00) shall be taxed as follows: Issuing summons and complaint \$1.00; Issuing alias summons \$.50; Issuing subpoena, each witness \$.15; Issuing Execution and taxing cost \$.50; Issuing summons to garnishee \$.50; Issuing attachment writ \$.50; Attachment bond and affidavit \$1.50; Garnishment bond and affidavit \$.50; Writ of detinue \$.50; Detinue bond and affidavit \$1.50; Issuing garnishment on judgment \$.50; Issuing entering judgment \$.25; Issuing certificate not otherwise provided \$.25; Law Library fee \$.10; Docketing cause and court fee \$3.00; Issuing vendi exponas \$.50; Transcript of proceedings \$.50; Attending trial of right of property \$1.00; Attending trial in unlawful detainer \$4.00; Sci. Fa. or notice in nat. thereof \$.50; Issuing notice of defendant \$.25; Appeal bond, trans. and notice \$1.25; Notice to defendant-Statement of Assets \$1.50; Citation to defendant-Statement of Assets \$1.50; State Fair Trial tax

\$2.00; Serving summons, constable \$2.00; Serving Summons, sheriff \$2.50; Serving summons each witness \$.75; Serving garnishment, constable \$2.00; Serving garnishment, sheriff \$2.50; Levying attachment \$7.50; Levying execution \$3.00; Making money, 5%, not less than \$.75; Serving notice, etc. on each party therein, constable \$2.00; Serving notice, sheriff \$2.50; Serving Sci. Fa. or other like notice \$2.00; Taking bail or other bond \$2.00; Taking property levied on \$6.00; Dispossessing \$7.50; Answer fees \$.50; Witness fees \$.50."

Court costs and fees on cases which exceed one hundred dollars (\$100.00) but do not exceed five hundred dollars (\$500.00) shall be taxed as follows: Issuing summons and complaint \$1.00; Issuing alias summons \$.50; Issuing subpoena, each witness \$.15; Issuing Execution and taxing cost \$.50; Issuing summons to garnishee \$.50; Issuing attachment writ \$.50; Attachment bond and affidavit \$1.50; Garnishment bond and affidavit \$.50; Writ of detinue \$.50; Detinue bond and affidavit \$1.50; Issuing Garnishment on judgment \$.50; Issuing entering judgment \$.25; Issuing Cert. not otherwise provided \$.25; Law Library fee \$.25; Docketing cause and court fee \$6.00; Issuing vendi exponas \$.50; Transcript of proceedings \$.50; Attending trial of right of property \$1.00; Attending trial in unlawful detainer \$4.00; Sci. Fa. or notice in nat. \$.25; Appeal bond, trans. and notice thereof \$.50; Issuing notice of defendant \$.25; Appeal bond, trans. and notice \$1.25; Notice to defendant-Statement of Assets \$1.50; Citation to defendant-Statement of Assets \$1.50; State fair trial tax \$2.00; Serving summons, constable \$2.00; Serving summons, sheriff \$2.50; Serving summons each witness \$.75; Serving garnishment, constable \$2.00; serving garnishment, sheriff \$2.50; Levying attachment \$7.50; Levying executoin \$3.00; Making money, 5%, not less than \$.75; Serving notice, etc. on each party therein, constable \$2.00; Serving notice, sheriff \$2.50; Serving Sci. Fa. or other like notice \$2.00; taking bail or other bond \$2.00; Taking property levied on \$6.00; Dispossessing \$7.50; Answer fee \$.50; Witness fees \$.50."

Court costs and fees on cases which exceed five hundred dollars (\$500.00), shall be taxed as herein provided: Issuing summons and complaint \$1.00; Issuing alias summons \$.50; Interrogatories \$.75 Party, \$.10 page; Issuing subpoena duces tecum \$.50; Issuing subpoena, each witness \$.25; Issuing exec. and taxing cost \$1.00; Issuing vendi exponas \$.50; Issuing alias execution \$.50; Issuing commission \$.50; Issuing summons to garnishee \$1.00; Issuing attachment writ \$.50; Bond and affidavit \$1.50; Writ of detinue \$.50; Transfer of case \$3.00; Cer. not otherwise provided for \$.25; Docketing cause and court fee over \$1,000.00 \$9.10; fair trial tax, \$2.00; Transcript or proceedings \$1.00; Attending trial of right of property detinue \$1.00; Sci. Fa. or notice in nat. thereof \$.50; Issuing attachment \$1.50; Notice to defendant \$.25; Appeal bond trans. and notice \$3.00; Notice to Deft.-Statement of Assets \$1.50; Citation to Deft.-Statement of Assets \$1.50; Out of county sheriffs charge \$1.50 plus mileage for service (\$.10 mi.); Serving summons and complaint \$2.50; Serving interrogatories \$2.50; Entering return \$.25; Serving summo nesach witness \$.75; Serving garnishment \$2.50; Levying attachment \$7.50; Levying execution \$3.00; Making money, 5%, not less than \$.75; Serving notice, etc. on each party therein \$2.50; Serving Sci. Fa. or other like Notice \$2.50; Taking bail or other bond \$2.00; Taking property levy on \$6.00; Making arrest \$5.00; Witness fees, \$2.00; Library tax \$.25.

Section 14. Section 15 of said Act No. 96, H. 490, is amended to read as follows:

"Section 15. Docket fees. A docket fee of \$7.50 for cases filed on the small claims docket and \$10.00 for cases otherwise filed in this court shall be collected from the plaintiff, third-party plaintiff or counterclaimant at the time an action is filed. The docket fee may be waived and taxed as cost at the conclusion of the case if the court finds that payment of the fee will constitute a substantial hardship and if a verified statement of hardship, signed by the plaintiff and approved by the court, is filed with the clerk."

Section 15. Section 16 of said Act No. 96, H. 490, is deleted and the following is inserted in lieu thereof:

"Section 16. Writs. This court may issue all writs necessary to preserve and enforce its jurisdiction and authority but shall not have jurisdiction of petitions for writs of habeas corpus."

Section 16. Section 21 of said Act No. 96, H. 490, as amended is further amended to read as follows:

"Section 21. Service of process. Service of process in all cases involving county residents whose identity and location are known shall be made by a constable or upon his or her failure or refusal, by the sheriff or other officer of the county, or by some other person specifically appointed by the court for that purpose. Process on non-residents of the county shall be made as otherwise provided by law. A defendant who has failed to appear within fourteen days of service shall be considered in default.

Section 17. Section 24A of said Act No. 96, H. 490, is amended to read as follows:

"Section 24A. Vacation. The presiding judge and the associate judges shall each be entitled to thirty days vacation each calendar year."

Section 18. The said Act No. 96, H. 490, is amended by adding the following new section immediately following Section 24A:

"Section 25. Interrogatories. Written interrogatories may, with leave of court, be served upon another party. Answers or objections must be served within the time fixed by court."

Section 19. Sections 17, 18, 19 and 20, H. 490 are struck in their entirety and the remaining sections shall be renumbered accordingly.

Section 20. If any section, clause, or provision of this act shall be declared unconstitutional or held invalid, it shall not affect any other section, clause, or provision, but the same shall remain in full force and effect.

Section 21. All laws and parts of laws, general, special, or local, in conflict with any of the provisions of this Act, shall be and the same are hereby repealed.

Section 22. This act shall be effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

#### AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA  
JEFFERSON COUNTY

Before me, the undersigned authority in and for said County, in said State, personally appeared Eleanor Abercrombie Foster who, by me duly

sworn, deposes and says that she is the Publisher of Alabama Messenger, (formerly the Alabama Legal Advertiser and the Birmingham Messenger), a weekly newspaper of general circulation, published and printed in Jefferson County, Alabama, and which has been in continuous weekly publication since 1918, and that there was published in said newspaper in the issues of July 5, 12, 19, 26, 1975, a legal notice, a copy of which is hereto attached.

ELEANOR ABERCROMBIE FOSTER,  
Publisher.

Sworn and subscribed to on this the 28th day of July, 1975.

KAREN W. ABERCROMBIE,  
Notary Public.

By Messrs. Wilson, Waldrop, Stewart, Fine, St. John, Gilmore, Foshee, Pearson, Clemon, Bank, Vacca, Powell, Flippo, Owen, McMillan, Adams, Ellis, Mitchell, Mims, Edwards, Littleton, and Perloff:

S. 1039. To amend Subsections D and K of Section 186, Section 191, Section 194, Subsection C of Section 201, Section 204, Section 207, Subsections D and E of Section 213, Subsections B and C of Section 214, Subsection D of Section 216, Subsection C of Section 218, and Subsections B and C of Section 224, Title 26, Chapter 4, Code of Alabama 1940, as last amended.

Committee on Finance and Taxation.

By Messrs. Wilson, Waldrop, Stewart, Fine, St. John, Gilmore, Foshee, Pearson, Clemon, Bank, Vacca, Powell, Flippo, Owen, McMillan, Adams, Ellis, Mitchell, Mims, Edwards, Littleton and Perloff:

S. 1040. To amend Section 259, subsection (d) of Section 262, Section 263, Section 272, Section 279, Section 283, Section 289, Section 293, Section 299, Section 312, all being of Chapter 5 Title 26, Code of Alabama 1940, as amended, Sections 7, 13, and 17 of Act No. 180, adopted at the 1951 Regular Session of the Legislature of Alabama, as amended, Sections 6, 12, and 16 of Act No. 521, adopted at the 1967 Regular Session of the Legislature of Alabama, as amended, and Sections 6, 12 and 16 of Act No. 668, adopted at the 1971 Regular Session of the Legislature of Alabama, as amended, relating to extraterritorial coverage of employees subject to the workmen's compensation laws of Alabama, providing compulsory coverage for employers who do not regularly employ less than three employees, extending immunity from suit by employees to other employees of the employer, to the employer's workmen's compensation insurance carrier and to certain persons or unions making safety inspections, defining permanent total disability and extending benefits for permanent total disability for the duration of the disability, fixing the employer's and the second injury trust fund's liability in the event a second injury produces permanent total disability, permitting credit for the payment of benefits for temporary total disability against the compensation payable for permanent partial disability resulting from an unscheduled injury only, providing for vocational rehabilitation under certain circumstances, establishing the effect of the procurement of gainful employment on permanent total disability benefits, increasing the percentage of a decedent's employee's average weekly wages to which one dependent is entitled, fixing the minimum weekly benefit at 25% of the average weekly wage of the state as determined by the director of

industrial relations and the maximum weekly benefit at 66-2/3% of such average weekly wage, and providing for certain periodic changes in the minimum and maximum weekly benefit and the total amount of compensation payable, eliminating any time or dollar limit for compensable medical expenses and giving an employee the right to reject the first two physicians selected by the employer, establishing the effect of the recovery of damages from a third party by an employee suffering a permanent total disability, permitting lump sum payments of compensation with commutation upon approval of the court and by agreement of the parties and amending the acts providing for compensation for occupational pneumoconiosis, occupational exposure to radiation, and certain occupational disease to make the amendments described above applicable to those acts, all relating to the statutory plan for the compensation of employees for job-related injuries and certain illnesses and diseases.

Committee on Finance and Taxation.

By Mr. Owen:

S. 1041. To amend Section 9 of Act 1938, Regular Session 1971 which Act relates to the inspection of mobile homes by the State Fire Marshal so as to increase inspection fees, original fees, and to provide for appropriation of funds to the State Fire Marshal.

Committee on Finance and Taxation.

By Mr. Owen:

S. 1042. Relating to the governing body of Baldwin County, amending Section 1 of Act No. 239, H. 597, Regular Session 1931 (Local Acts of 1931, p. 100), as amended, which act creates the county commission of Baldwin County in lieu of the board of revenue of said county; so as to provide further for the rearrangement and redivision of the commissioners' districts.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to the governing body of Baldwin County; amending Section 1 of Act No. 239, H. 597, Regular Session 1931 (Local Acts of 1931, p. 100), as amended, which act creates the county commission of Baldwin County in lieu of the board of revenue of said county; so as to provide further for the rearrangement and redivision of the commissioners' district.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 239, H. 597, Regular Session 1931 (Local Acts of 1931, p. 100), as amended, which act creates the county commission of Baldwin County in lieu of the board of revenue of said county is hereby amended to read as follows:

"Section 1. The governing body of Baldwin County shall be a commission of four members and shall be known as the Baldwin County

Commission. It shall be a court of record. The members of such commission shall be designated commissioners. Baldwin County is hereby divided into four commissioners, districts to be numbered 1, 2, 3, and 4, as follows:

“District No. 1 shall embrace all that part of Baldwin County, Alabama, lying North of the following described line: Begin at the point where the township line dividing Townships 3 South and 4 South, Baldwin County, Alabama, touches the West edge of Perdido River, which is the line dividing Baldwin County, Alabama, and Escambia County, Florida; run West along said township line to the Northeast corner of Section 1, Township 4 South, Range 3 East; run South one mile; run West a little more than four miles to the point where said line intersects Fish River in Section 5, Township 4 South, Range 3 East; run Northerly along said river to the point where the same runs under Alabama Highway 59; run Northerly along said river to the point where the same runs under Alabama Highway 59; run North along the East edge of said highway to the point where this road intersects Highway 31; run Southerly along Highway 31 to the point where this road intersects Highway 31; run Southerly along Highway 31 to the point where Highway 31 intersects the Stapleton-Bromley dirt road; run Westerly following the meanders of said dirt road to that point where Bay Minette Creek flows under said road; run Southerly with the meanders of Bay Minette Creek to the point where the same flows into Bay Minette; follow the meanders of Bay Minette on the Northerly edge thereof to the point where the same flows into Blakely River; run Northerly along the Easterly edge of Blakely River to the point where the L & N Railroad crosses said river, at that point this river is called Tensaw River; run Westerly along the L & N Railroad to the East edge of the Mobile County line which is the point of ending; said line at this point is on the Mobile River.

“District No. 2 shall embrace that area of Baldwin County lying South and West of the following described line: Begin at Fish River point, said point being on the Westerly edge of Weeks Bay and at the mouth thereof; follow the West edge of Weeks Bay in a Northerly direction to the point where Fish River flows into the same; thence Northerly along the West edge of Fish River to that point where said river flows under Highway 59; run North along the East edge of said highway to the point where this road intersects Highway 31; run Southerly along Highway 31 to the point where Highway 31 intersects the Stapleton-Bromley dirt road; run Westerly following the meanders of said dirt road to that point where Bay Minette Creek flows under said road; run Southerly with the meanders of Bay Minette Creek to the point where the same flows into Bay Minette; follow the meanders of Bay Minette on the Northerly edge thereof to the point where the same flows into Blakely River; run Northerly along the Easterly edge of Blakely River to the point where the L & N Railroad crosses said river, at that point this river is called Tensaw River; run Westerly along the L & N Railroad to the East edge of Mobile County line, which is the point of ending; said line, at this point, is on the Mobile River.

“District No. 3 shall embrace all that part of Baldwin County, Alabama, encompassed by the following line: Begin at the point on the township line dividing Townships 3 South and 4 South, Baldwin County, Alabama, where the same intersects Perdido River, which is the line dividing Baldwin County, Alabama, and Escambia County, Florida; run West along said line to the Northeast corner of Section 1, Township 4 South, Range 3 East, run South one mile; West a little more than four miles to the point where this line intersects the East edge of Fish River;

run Southerly following the meanders of Fish River to that point where said river intersects the South edge of Section 6, Township 7 South, Range 3 East; run East along Baldwin County Highway 28 to the point where the same intersects Highway 59; run in a Southeasterly direction along Highway 59 to the point where the same intersects the Mack Roberts Road; said road bi-sects Section 9, Township 7 South, Range 4 East; run East one mile; thence North  $1\frac{1}{2}$  miles to Baldwin County Highway 32 which is located at this point on the line dividing Townships 6 South and 7 South; run East along said road and township line a little more than six miles to the point where said line intersects Three Mile Creek; run Northeasterly following the meanders of said creek to the point where the same flows into Blackwater River; follow the meanders of Blackwater River to that point where the same flows into Perdido River, which is located on the Alabama-Florida State Line; run up Perdido River along the Alabama-Florida State Line to the point of beginning.

“District No. 4 shall embrace that part of Baldwin County lying South and East of the following described line: Begin at Fish River Point which is at the mouth of and on the Westerly edge of Weeks Bay; follow the meanders of Weeks Bay; follow the meanders of Weeks Bay in a Northerly direction to that point where Fish River flows into the same; run Northerly along the West bank of Fish River to the point where the same intersects the South line of Section 6, Township 7 South, Range 3 East; run East along Baldwin County Highway 28 to the point where the same intersects Highway 59; run in a Southeasterly direction along Highway 59 to the point where the same intersects the Mack Roberts Road; said road bi-sects Section 9, Township 7 South, Range 4 East; run East one mile; thence North  $1\frac{1}{2}$  miles to Baldwin County Highway 32 which is located at this point on the line dividing Townships 6 south and 7 South; run East along said road and township line a little more than six miles to the point where said line intersects Three Mile Creek; run Northeasterly following the meanders of Three Mile Creek to the point where the same flows into Blackwater River, follow the meanders of Blackwater River to that point where the same flows into Perdido River which is located on the Alabama-Florida State Line.

“One member of this commission shall reside in each of the districts; provided that temporary residence at the county seat or in any part of the county during his term of office for convenience in the discharging of his duties as a member of the commission shall not disqualify of his duties as a member of the commission shall not disqualify a commissioner from holding his office and shall not be construed to change his place of residence so as to disqualify him as a candidate for re-election. The commissioners shall be residents and qualified electors of Baldwin County.

“The commissioners who were elected in 1972 from Districts One and Three, as such districts were described in Act No. 239, H. 597, Regular Session 1931 (Local Acts of 1931, p. 100) shall serve out the terms for which they were elected as commissioners from Districts One and Three as such districts are herein described Successors to commissioners from Districts One and Three, as such districts are herein described, shall be elected in November, 1976, for terms of four years each and each fourth year thereafter. The commissioners from Districts Two and Four, as such districts are herein described, shall be elected in November, 1978, for terms of our years each and each fourth year thereafter. The terms of all commissioners shall commence on the first day of January next following their election and qualifying and shall terminate on the 31st day of



December each fourth year thereafter. Upon commencing upon their duties, each of the said commissioners shall subscribe to the oath prescribed by the general law for members of county governing bodies."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### AFFIDAVIT OF PUBLICATION

##### STATE OF ALABAMA BALDWIN COUNTY

Steve Mitchell, being duly sworn, deposes and says that he is the editor of The Baldwin Times, a weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of was published in said newspaper for 4 consecutive weeks in the following issues: Date of 1st publication July 3, 1975, Vol. 85, No. 54. Date of 2nd publication July 10, 1975, Vol. 85, No. 56. Date of 3rd publication July 17, 1975, Vol. 85, No. 58. Date of 4th publication July 24, 1975, Vol. 85, No. 60.

STEVE MITCHELL,  
Editor.

Subscribed and sworn before the undersigned this 5 day of Aug. 1975.

BARBARA DURANT,  
Notary Public, Baldwin County.

By Mr. Mims:

S. 1043. Relating to the sale of agricultural liming materials; to regulate the manufacture, sale and distribution of agricultural lime or liming materials by requiring such manufacturers, distributors or sellers thereof to obtain an annual permit from the Commissioner of Agriculture and Industries, prescribing the fee therefor; requiring such product to be labeled; prescribing the powers, duties and authority of the Commissioner of Agriculture and Industries and the State Board of Agriculture and Industries for the administration and enforcement of this Act; to levy an inspection fee upon agricultural liming materials based upon the sale thereof; providing for the assessment and payment of monetary penalties where agricultural liming materials are deficient pursuant to standards or requirements as fixed by the State Board of Agriculture and Industries; other administrative and enforcement provisions including a penalty for violations of this Act; to repeal Article 22 of Chapter 1 of Title 2 of the Code of Alabama of 1940.

Committee on Agriculture.

By Mr. Perry:

S. 1044. To amend, add to, and repeal part of Act No. 1407 passed in the Regular Session of the 1971 Legislature (Acts p. 2378) and approved September 16, 1971, called the Alabama Controlled Substances Act, concerning the regulation of the possession and use of controlled drugs in Alabama, establishing penalties for violations of the various sections of the Act, and standardizing all laws in the State to be in conformity with the Federal Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended, and to repeal existing State Statutes in conflict.

Committee on Health and Welfare.

By Mr. Stewart:

S. 1045. To authorize the incorporation with respect to the several counties in this state, of non-profit public corporations for the purpose of acquiring, enlarging, improving, replacing, expanding, owning, leasing and disposing of properties for the purpose of promoting industry, developing trade, and furthering the use of agricultural, natural and human resources; to provide for the issuance by any such corporation of interest bearing revenue bonds and other interest bearing revenue securities payable solely out of the revenues and receipts from any such properties; to authorize the refunding of any such bonds or securities; to exempt from all taxation in this state each such corporation, its property, corporate activities, income, revenues, securities, the income from its bonds or securities, and conveyances, leases and mortgages to which such corporation is a party; to exempt such corporations from the laws of the state governing usury or prescribing interest rates; to exempt such corporations and all contracts made by it from the laws which provide for competitive bids in connection with certain contracts; to authorize certain conveyances to any such corporation by certain other public corporations and the assumption of the indebtedness thereof.

Committee on Finance and Taxation.

By Mr. Little:

S. 1046. To apply in all counties having populations of not less than 35,000 nor more than 38,000, according to the most recent Federal decennial census, to exempt any public water system from the payment of all state, county and municipal sales and use taxes.

Committee on Local Legislation No. 1.

By Mr. Stewart:

S. 1047. To grant to counties and municipalities acting separately or jointly the power to acquire and develop industrial or commercial parks, to sell or lease all or part of said parks to private enterprises or other public entities, and to finance such acquisition and development by the issuance of general obligation warrants and refunding warrants of the participating governmental units, to authorize the pledging of taxes in payment thereof, to exempt actions hereunder from other laws of the State, including those respecting usury, competitive bids and financial control, and to declare the provisions hereof severable.

Committee on Banking.

By Mr. Baker:

S. 1048. Relating to DeKalb County; providing that the salary of the Deputy District Attorney (County Solicitor) paid by DeKalb County shall be set by the County Commission at not more than \$15,000.00 nor less than \$10,000.00 per year; further providing that the office of Deputy District Attorney is to be a full-time job, and the Deputy District Attorney may not do any work as an attorney or receive any fees from legal work done outside of his duties as Deputy District Attorney.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF DEKALB

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to DeKalb County; providing that the salary of the Deputy District Attorney (County Solicitor) of DeKalb County shall be set by the County Commission at not more than \$15,000 nor less than \$10,000 per year; further providing that the office of Deputy District Attorney is to be a full-time job, and the Deputy District Attorney is to be a full-time job, and the Deputy District Attorney may not do any work as an attorney or receive any fees from legal work done outside of his duties as Deputy District Attorney.

Be It Enacted by the Legislature of Alabama:

Section 1. The salary of the Deputy District Attorney (County Solicitor) of DeKalb County shall be set by the DeKalb County Commission at not more than \$15,000 nor less than \$10,000 per year.

Section 2. The office of Deputy District Attorney shall be a full-time job, and no one holding that office shall do any work as an attorney or receive any fees for work done as an attorney outside the scope of his duties as Deputy District Attorney.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

## PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF DEKALB

Before me, the undersigned authority in and for said County in said State, this day personally appeared Jerry E. Whittle, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the The Times-Journal, a newspaper of general circulation published in DeKalb County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 24, July 31, August 7, and August 12, all in the year 1975.

JERRY E. WHITTLE.

Sworn to and subscribed before me August 12, 1975.

MARY RUTH BROWN,  
Notary Public.

By Mr. Powell:

S. 1049. To amend Act No. 168 (H. 270) Special of 1966, as amended (Article 8A, Title 55, Code of Alabama as Recompiled and Amended) relating to the Alabama Historical Commission revising the responsibilities of the agency.

Committee on State Government.

By Mr. Torbert:

S. 1050. To designate and name certain buildings at the Chattahoochee Valley Community College.

Committee on Finance and Taxation.

By Mr. Flippo:

S. 1051. To prohibit the unauthorized copying of certain recorded articles for sale and the sale of such articles with knowledge that the sounds have been transferred thereon without the consent of the owner and providing punishment therefor.

Committee on Commerce, Transportation, and Utilities.

By Mr. McMillan:

S. 1052. To expressly repeal a portion of Section 3, Act No. 1948, H. 1151, 1971 Acts, page 3146, approved September 20, 1971.

Committee on Health and Welfare.

By Mr. Adams:

S. 1053. To name the gymnasium at George C. Wallace State Community College after Mrs. Annie Lee Cherry.

Committee on Finance and Taxation.

By Mr. Littleton:

S. 1054. To empower industrial development boards organized (under the provisions of Act No. 648 enacted at the 1949 Regular Session of the Legislature of Alabama as amended) in any municipality to acquire (by construction or otherwise), enlarge, improve, replace, own, lease, dispose of and grant options for the purchase of facilities and properties (whether real or personal or both) designed or suitable for use in data processing or both as data processing and computer centers and as national, regional or state headquarters for the business or businesses owning or operating such data processing centers.

Committee on Commerce, Transportation, and Utilities.

By Mr. Baker:

S. 1055. To amend Section 6 of Act No. 106, S. 13, Regular Session 1971 (Acts 1971, p. 374), known as the "Alabama Exceptional Child

Education Act." so as to provide financial assistance for the attendance of certain children at out-of-state facilities under certain circumstances and conditions.

Committee on Education.

By Mr. Torbert:

S. 1056. To provide retirement benefits equivalent to those received by State Police to persons not covered by Social Security and who are employed by the Fire and Police Departments, and other departments, or counties, cities, and towns which now, or hereafter are covered under the Employees' Retirement System. Also to provide that the total cost of funding said benefits be borne with the electing employer unit.

Committee on Local Government.

### UNFINISHED BUSINESS BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 699. To amend Act No. 606, S. 112 of the Regular Session of 1969 (Acts 1969, p. 1110), which creates the office of Supernumerary Probate Judge, amending Sections 1, 4 and 5 thereof, in order to change certain prerequisites for appointment to such office, by reducing the number of years of past service as a probate judge and by providing for the counting of years of service in certain other public offices as a part of the prior service which is prerequisite to appointment to such office; to regulate further the compensation payable to each such officer; and to regulate further the return to such officer of his contributions to the county when he ends his tenure of office prior to becoming a Supernumerary Probate Judge.

and pending Committee amendment, which said amendment is set out in the Journal of the Senate for the Twentieth Legislative Day.

The question was on the motion of Mr. Roberts that the Bill, S. B. 699 and pending amendment, be re-committed.

### REPORTS OF COMMITTEES

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Waggoner, et al:

H. 435. To make an appropriation for capital outlay purposes at the University of Alabama in Birmingham for the fiscal year ending September 30, 1975.

By Mr. Coburn, et al:

H. 442. To make a supplemental appropriation to the Department of Conservation and Natural Resources, Divisions of Game and Fish and Water Safety.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Stewart (With Amendment):

S. 119. To provide a special exemption from the state income tax for a parent or guardian of a severely retarded person.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Mims, Noonan, Foshee, Pearson, Jones, Shelby, Bank, Littleton, King, Powell, Mitchell, Stewart, McMillan, Little and Waldrop:

S. 184. To authorize the County Commission or like governing body of each of the several counties to appoint an Engineer Trainee; to provide for the qualifications and duties of such Engineer Trainee; and to provide for State participation in the salary of such Engineer Trainee appointed.

By Mr. Fine:

S. 225. To allow merit system status for hourly employees after one (1) year satisfactory service, within a period of Eighteen (18) calendar months, with any department or agency.

By Messrs. Mitchell, Jones and Powell:

S. 435. To provide adequate professional, administrative, and clerical personnel, together with necessary equipment and funding for the Office of the District Attorney for the Fifteenth Judicial Circuit.

By Messrs. Mitchell, Powell, Torbert, Foshee, Shelby, Mims, Flippo and Jones:

S. 437. To amend Sections 433(17), 433(18), 433(19), and 433(34), Title 52, Code of Alabama, Recompiled 1958, so as to include kindergartens under the purview of the State Courses of Study Committee; to require that the State Textbook Committee select only materials that are applicable to the approved Course of Study; to expand the State Textbook Committee and that up to 30% of the Textbook allocation may be spent for readiness materials and for non-consumable supplementary materials.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Bank, Ellis, St. John, Jones, Wilson, Shelby, McDonald (A), Mims and Vacca (With Amendments):

S. 441. To establish the Alabama Firefighters Personnel Standards and Education Commission; to provide for the appointment, tenure, qualifications, and payment of the members of the Commission; to provide

for the employees and officers of the Commission; to regulate the meetings, quorum, and seal of the Commission; to prescribe the duties and functions of the Commission; to grant to the Commission the power to make rules, regulations, and standards, and for the publication of same; to provide penalties for the violation of this Act or the regulation of the Commission; to establish the Alabama Firefighters Personnel Standards and Education Fund and to provide for the Fund to accept grants, gifts, and other payments; to provide for cooperative agreements between fire-fighting agencies; to make biennial appropriations for the Fund for fiscal years 1975-76 and 1976-77; to provide for the severability of the parts of the Act; and to provide for the effective date of the Act.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Foshee:

S. 653. To provide an additional expense allowance of \$300.00 per month for each member of the State Board of Education; and to provide an appropriation to carry out the provisions of this act.

By Mr. Torbert:

S. 693. To amend Section 255 of Title 13, Code of Alabama 1940, which relates to deputy district attorneys of the fifteenth judicial circuit and of the twenty-sixth judicial circuit and their salaries.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Owen (With substitute) (With Amendment):

S. 704. To provide for eligibility of Supernumerary District Attorneys by amending Section 1 of Act No. 1873, S. 255, 1971 Regular Session, Acts 1971, p. 3053 [(now appearing in Code of Alabama Recompiled 1958, Title 13, Section 260 (11b)), as amended.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Gilmore:

S. 755. To amend Sections 8, 9, 11, 13, 14, 16 and 23 of Act No. 79, S. 76, approved September 15, 1961, an act regulating the practice of engineering and land surveying; so as to provide: additional liability protection and legal counsel for the Board, biennial printing of Roster, an increase in certain fees and an increase in amount of funds that the Board may retain; and further to make an additional appropriation to the Alabama State Board of Registration for Professional Engineers and Land Surveyors from the "Professional Engineers' Fund" for the fiscal years ending September 30, 1975, September 30, 1976 and September 30, 1977.

By Messrs. Givhan and Bank:

S. 829. Relating to the Fourth Judicial Circuit; providing for an additional circuit judge in such circuit; defining his jurisdiction, powers, right and authority; prescribing his qualifications and duties; setting his compensation and providing for the appointment of a bailiff and court reporter.

By Mr. Adams:

S. 849. Relating to the twentieth judicial circuit; providing for an additional circuit court judge in such circuit and prescribing the duties, authority, and compensation of such judge; establishing the family court division of such circuit; prescribing the jurisdiction of the family court division and providing for selection, appointment, qualifications, tenure, and compensation of officers and administrative and clerical personnel; abolishing special courts having jurisdiction of juveniles and domestic relations cases.

By Messrs. Vacca and Ellis:

S. 891. Relating to taxation, to provide an exemption from Advalorem Taxes for personal property held by a licensed public warehouseman for the account of the manufacturer, compounder or processor to be distributed on his orders or for him by the warehouseman.

By Mr. Fine:

S. 901. Relating to the Twenty-Fifth Judicial Circuit; providing for an additional circuit judge in such circuit.

By Messrs. Owen, Fine, Adams and Foshee:

S. 964. To make further appropriation of State Funds for the fiscal year ending September 30, 1975.

By Messrs. Bank, Weaver, Givhan, Vacca, McMillan and Pearson:

S. 965. To regulate and promote the public health and to bring the laws of Alabama into conformity with PL-93-641, the "National Health Planning and Resources Development Act of 1974" (42 USC 300-K, et. seq.); designate the State Board of Health as the state health planning and development agency; authorizes the State Board of Health to develop and adopt a State Health Plan and a State Medical Facilities Plan, and do such functions that may be necessary to that purpose and to facilitate state health planning policy, augment areawide and State planning for health services, manpower, and facilities; authorize the State Board of Health to administer the State's health care facility construction and development program; to promulgate and adopt rules, regulations and standards for the health planning and health care facilities construction and development programs. Part 1 of the Act designates the State Board of Health as the sole and official state planning and development agency; authorizes the State Board of Health to establish such internal bureaus and divisions, with professional staffs, as may be necessary to carry out the Act; and, authorizes and empowers the State Board of Health to adopt rules, regulations and standards governing health planning and health care facility construction, and to provide for fair hearings. Part 2 designates the State Board of Health as the sole and official state agency to prepare and adopt a State Health Plan; establishes and sets forth the membership and



powers of a Statewide Health Coordinating Council; defines the functions of Health Services Agencies; authorizes the cooperation of the state officials and agencies; and authorizes the State Board of Health to receive and administer funds for health planning. Part 3 names the State Board of Health as the sole and official state agency to receive and administer funds for the health care facilities construction program; authorizes the State Board of Health to prepare and adopt a Medical Facilities Plan; authorizes the construction and operation of public hospitals and health centers; authorizes the State Board of Health to receive federal, state and other funds for hospital construction and to contract for health care facilities construction; authorizes the acquisition and disposition of property.

By Messrs Bank, Fine, Mims and Perry:

S. 981. To propose an amendment to the Constitution of Alabama repealing "The Annual Sessions Amendment" to such Constitution and reinstating all the provisions of the Constitution governing dates and times of meetings of the legislature and lengths or duration of regular and special sessions thereof; and to make an appropriation to be used in defraying the expenses of the election on this proposed amendment.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Mims:

S. 992. To exempt from the sales tax levied by Act 100, Second Special Session, Legislature of Alabama 1959, sales of sod by a farmer.

By Messrs. Littleton, Owen and Foshee:

S. 998. Proposing an amendment to the Constitution of Alabama to make absolutely clear the historic precept that the Legislature of this state has the sole and discretionary power of making appropriations of public funds to the judicial system and courts of this state.

The above Bill was read a second time at length as required by the Constitution.

By Messrs. Stewart, Foshee, Givhan, Owen, Mims, Torbert, Fine and Wilson:

S. 1019. To amend Act No. 300, H. 321, Legislature of 1973, the General Appropriations Act, of the two fiscal years ending September 30, 1974 and September 30, 1975 by amending the provisions of said Act appropriating funds for fire ant control; and, to make an appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1975.

Mr. McDonald (S), Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. St. John, McDonald (S), Bank, Torbert, Baker, Flipppo, Little, Ellis, Vacca, McMillan, Clemon, Perloff, King and Pearson:

S. 997. To amend Act No. 14, H. 5, Special Session 1969 (Acts 1969, p. 28) establishing the Alabama Commission on Higher Education so as to change the name of the Commission, provide for additional members, provide the Commission with the authority of approval for new units of

instruction, research and public service, and to provide a procedure for legislative appeal of decisions of the Commission.

Mr. Bank, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Bank, Stewart, King, Powell, Foshee, Givhan, Ellis, Fine, Owen, McDonald (S) and Waldrop (With Substitute):

S. 444. To establish a Patients' Compensation Board of Alabama to hear and determine claims for bodily injuries or death to patients as a consequence of tort or breach of contract by health care providers; to establish rules, procedures and facilities to implement and accomplish the purpose of the Act; to require warranties of care to be in writing; to provide for the compulsory effect of the Act, both for minors and adults; to provide for rejection of the Act; to provide that the provisions of the Act, except with regard to the limitation on the time for filing claims, are not retroactive; to provide for the composition and method of selection of the Patients' Compensation Board of Alabama; to provide for the restriction of employment and removal of Board members; to provide for the compensation and facilities for the Board and staff; to provide procedures for trial and appeal of cases brought before the Board; to provide a schedule of compensation and benefits for awards under this Act; to establish "running awards"; to provide for payment of certain awards to the trustee of legally disabled persons; to provide that claims under this Act are not assignable; to establish a schedule for attorney contingent fees for claims brought under this Act; to provide for a limitation on the time within which a claim under this Act must be filed; to guarantee the financial responsibility of health care providers and to provide the source for the funding of the administration of the Act; to provide rules for the issuance of insurance policies under this Act; to authorize the Insurance Commissioner to establish an Alabama Joint Underwriting Association (JUA) and to provide rules for such JUA; and to provide for the funding of the Act.

Mr. Bank, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Stewart, Wilson, Bank, Mitchell, Givhan, Foshee, Mims, McMillan and Vacca:

S. 382. To authorize the establishment of a security medical facility under the jurisdiction of the Alabama Mental Health Board; to establish sources and procedures for admission to said facility; and to provide for the charges for the cost of treatment.

By Messrs. Ellis, Vacca, Torbert, McMillan, Pearson, Clemon and Gilmore:

S. 331. Relating to emergency medical services in hospitals; authorizing the State Committee on Public Health to establish, promulgate and enforce rules, regulations and minimum standards for the operation of emergency departments in hospitals of this state and to

provide for the categorization of hospitals according to the capabilities of such departments and medical services available.

By Messrs. Ellis, Torbert and Pearson:

S. 332. To declare the need for training emergency medical technicians; of health department to contract to provide such training courses through vocational or technical schools and junior colleges, universities and hospitals and to appropriate funds therefor.

By Messrs. King and Bank:

S. 771. To establish in the Alabama State Board of Health a program for the care of persons suffering from chronic renal diseases, designating powers and duties in relation thereto, and making an appropriation therefor.

Mr. Bank, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Mims (With Amendment):

S. 760. To further amend and reenact the Title and Act of Act No. 563, S. 8, Acts of Alabama 1965, Regular Session, at pages 1049-1050, as amended by Act No. 725, S. 82, Acts of Alabama 1967, Regular session, at pages 1560-1561, relating to the reporting of incidents of abuse or neglect of children: by adding a new section 1, which gives definitions of "abuse," "neglect," "child" (meaning a person under the age of eighteen years), and "duly constituted authority;" by adding a new section 2, which gives the purpose of the Act; by amending section 1 to be section 3, to include further categories of persons who are required to report child abuse or neglect and to provide for reporting to a "duly constituted authority;" by adding a new section 4, which allows for permissive reporting of child abuse or neglect; by amending section 2 to be section 5; by adding a new section 6, which provides for protective custody of abused or neglected children; by adding a new section 7, which gives the duties of the department of pensions and security upon a receipt of a report of child abuse or neglect; by adding a new section 8 which provides for the establishment of a central registry of reports of child abuse and neglect and also provides for the confidentiality of such reports and records, with a violation of this provision of confidentiality being a misdemeanor and punishable accordingly; by amending section 3 to be section 9; by amending section 4 to be section 10 and by excepting the attorney client privilege from the provision whereby the doctrine of privileged communication is not grounds for excluding evidence in judicial proceedings resulting from reports of child abuse or neglect; by adding a new section 11, which provides that in every case involving an abused or neglected child which results in a judicial proceeding, an attorney will be appointed to represent the child; by adding a new section 12 which provides that the department of pensions and security may make regulations as may be necessary to implement this Act; by amending sections 5, 6, 7, and 8 to be sections 13, 14, 15 and 16, respectively; and by making further changes.

Mr. Bank, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the

following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. McMillan:

S. 775. To amend Section 21 of the Professional Corporation Act (Acts of 1971, p. 4524, now appearing in Code of Alabama, Recompiled 1958, Title 46, Section 366), so as to allow a consolidated or merged professional corporation to render both medical and dental services within a single professional corporation.

Mr. Bank, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Waldrop, Stewart, King, Bank, McDonald (A), McDonald (S), St. John, Roberts, Givhan, McMillan, Torbert, Fine, Noonan, Vacca, Littleton, Shelby, Mims and Flippo (With Substitute) (With Amendments):

S. 293. To provide for the licensing of speech pathologists and audiologists; to establish an Alabama Board of Examiners for Speech Pathology and Audiology; to define the powers and duties of such board; to prescribe licensing standards, procedures, and fees; to provide a penalty for violation of this Act; and to repeal conflicting laws.

Mr. Bank, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Noonan:

S. 822. A bill to regulate and promote the public health and to improve the effectiveness of health facility planning and the provision of necessary and adequate health care facilities and services in the State of Alabama; to authorize the issuances of Assurances of Need to certify that a proposed facility, service and expenditure is in conformity with the appropriate State health facility plan; and to establish a time period of validity for Assurances of Need.

Mr. Mims, Chairman of the Standing Committee on Agriculture, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Mitchem, et al:

H. 412. To further amend Sections 1, 2, 4, 6 and 8 of Act No. 46, H. 36, Legislature of 1955, 2nd Spec. Session, approved April 6, 1955 (Acts of 1955, p. 152), an Act to regulate the sale of eggs by requiring inspection, grading and accurate labeling of eggs, said Act being amended by Act No. 531, S. 336, Legislature of 1955, Regular Session, approved September 9, 1955 (Acts of 1955, p. 1179) and by Act No. 194, H. 39, Legislature of 1961, Spec. Session, approved September 15, 1961 (Acts of 1961, p. 2167); amend said Sections 1, 2, 4, 6 and 8 of said Act No. 46, as amended, said amendments relating to definition of terms in said Act, labeling

information on containers in which eggs are sold or offered for sale; inspection fee payments levied upon the sale of eggs and to abolish such levy; and further relating to the permit required of retail and wholesale egg dealers; and exemptions from the requirements of said Act.

By Mr. Mitchem, et al:

H. 414. To amend Section 1 of Act No. 238, H. 288, approved July 27, 1953 (Acts of Alabama of 1953, Vol. I, p. 303) an Act providing for the designation of certain employees of the Department of Agriculture and Industries as "Cattle Theft Investigators" with authority as peace officers, etc.; to amend said Act No. 238 of 1953 to designate such employees of the Department of Agriculture and Industries as "livestock theft investigators" with the power and authority of peace officers to conduct investigations and make arrests for any unlawful offense which may be exercised anywhere within the State of Alabama.

By Mr. Mitchem, et al:

H. 417. To repeal Section 6 of Title 2 of the Code of Alabama of 1940 which prohibits the buying, selling or other trading in, and the movement or transportation, of certain farm products after the hour of sunset and before the hour of sunrise.

Mr. Mims, Chairman of the Standing Committee on Agriculture, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Mitchem, et al (With Amendment):

H. 418. To prescribe a procedure for complaints, investigations, findings and recommendations where purchases of agricultural, vegetable, flower, tree, shrub and herb seeds suffer damages as a result of any such seed not being in compliance with legal requirements which govern the sale thereof or where the seed fail to produce or perform as represented; to create and establish an investigation and arbitration committee for this purpose and to prescribe its powers, duties and authority.

Mr. Mims, Chairman of the Standing Committee on Agriculture, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Mitchem, et al:

H. 419. To amend Sections 3, 6 and 7 of Act No. 424, H. 413, Legislature of 1963, Regular Session, approved September 2, 1963 (Acts of 1963, Vol. 2, p. 931), as amended, an Act to regulate the labeling, sale and offering or exposing for sale or distribution of agricultural, vegetable, flower, tree, shrub and herb seeds, etc.; to amend Section 3 of said Act No. 424 to prescribe the time of the test to determine the percentage of germination for agricultural and vegetable seed sold or offered for sale or distributed in hermetically sealed containers; to amend Section 6 of said Act No. 424 to require invoices of certain sales of seed sold at retail to be furnished to the buyer and that a record thereof with certain information thereon be kept by the seller; and to amend Section 7 of said Act No. 424 to authorize the adoption of rules and regulations governing the sale of seed

that are subject to the provisions of the "Plant Variety Protection Act" of the Congress of the United States.

By Mr. Mitchem, et al:

H. 546. To amend Act 404, Acts of Alabama, Regular Session, 1945, page 643, to provide that an association or associations of farmers engaged in multiplying and certifying seeds or plant parts of a superior variety or strain and in increasing breeder seed by producing, processing and distributing foundation seed, may adopt symbols for such seed and register them with the Commissioner of Agriculture and Industries; to make it unlawful for any person, firm, association or corporation to sell, offer for sale, or otherwise distribute or market foundation seed for any one specified crop, other than the association which registered the symbol or symbols thereof with the State Commissioner of Agriculture and Industries; to authorize and direct the Department of Agriculture and Industries, the Alabama Cooperative Extension Service, and the Alabama Agricultural Experiment Station, to cooperate and coordinate with such associations of farmers to implement and conduct a seed improvement program, and to conduct educational programs stressing the benefits of the use of superior seed varieties.

By Messrs. Mitchem and Whatley:

H. 551. To regulate the operation of livestock markets in Alabama by requiring such markets to procure a permit issued by the Commissioner of Agriculture and Industries and to be bonded for the payment of their obligations; to authorize the revocation or cancellation of such permit under certain conditions together with the amount of the permit fee and the amount of bonds required; to require livestock markets to maintain physical standards of construction for safe and sanitary keeping and handling of livestock to prevent the spread of livestock diseases; to impose requirements or prohibitions with respect to the sale of livestock at public auction or otherwise; to require livestock markets to keep records of the receipt and sale of livestock with respect to the identity of livestock and furnish bills of sale to buyers; to authorize the adoption of rules and regulations to carry out the provisions of this Act; to require livestock markets to carry fire and windstorm insurance; to prescribe a penalty for violations including injunctive proceedings; and to repeal conflicting laws and fix a date on which said Act shall become effective.

Mr. Flipppo, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Baker (With amendment):

S. 283. To provide that the public service commission, division of pipeline safety, shall promulgate and enforce safety, standards and regulations pertinent to the use of natural gas or liquified petroleum gas in certain public buildings; to prescribe a penalty for violation of such standards and regulations and to make an appropriation for the hiring of qualified staff inspectors and otherwise effectuating this act.

By Mr. McMillan (With Amendments):

S. 845. To authorize every municipality in the State of Alabama and certain public corporations to transfer and convey, without an election, any gas system or part thereof, now or hereafter owned by such municipality or public corporation to any utility corporation subject to regulation by the Alabama Public Service Commission; to require prior approval by the said Commission of any such transfer and conveyance and of the terms thereof; to require that any such transfer and conveyance be made for not less than fair market value as determined by the said Commission; and to require prior approval, by each municipality which authorized, consented to, or made determinations prerequisite to the incorporation of a particular public corporation, of any such transfer of conveyance by such public corporation.

Mr. Flippo, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Hill:

H. 342. To adopt minimum standard building codes for the State of Alabama; to provide for the revision of these codes; to allow local modification of these codes; to authorize local governing bodies to enforce these codes; and to authorize the prescription and collection of the fees necessary to effect the enforcement of these codes, providing penalties for the violation of this act.

Mr. Flippo, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Ellis, Pearson, Gilmore, Vacca, McDonald (S), McDonald (A), Flippo, Torbert, Shelby, Bank, Littleton, Mitchell, Stewart, Mims, St. John, Noonan, Roberts, Givhan, Little and Owen (With Substitute) (With Amendments):

S. 599. To protect the public safety by providing for notices to public utilities by persons excavating or discharging explosives near underground facilities or demolishing buildings containing utility facilities; to provide for notices to affected parties when underground facilities are damaged; to provide for the establishment of prima facie negligence for failure to give the notices; and to prescribe penalties for violations hereof.

Mr. Roberts, Chairman of the Standing Committee on Local government, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Edwards:

S. 496. To amend Section 125 of Title 12, Code of Alabama 1940, as last amended, which relates to the interest rate and maturity of temporary loans made by the county governing bodies in anticipation of taxes.

By Mr. Shelton, et al:

H. 517. To authorize incorporated municipalities and counties to purchase liability insurance to indemnify innocent parties injured by city or county employees acting in the performance of their official duties.

By Mr. McMillan, et al:

H. 284. To require the County Commission or like governing body of each of the several counties to make an annual publication on or before the 30th day of October of each year in a newspaper published in the county of an itemized report showing receipts, expenditures and financial condition of the county on a form to be prescribed by the Chief Examiner of Public Accounts of the State of Alabama and to repeal Sections 22, 23 and 24, of Title 12, Code of Alabama 1940, and to repeal all other conflicting laws local or general.

By Mr. Edwards:

S. 495. To authorize the governing bodies of counties in this state to make temporary loans in anticipation of the receipt of funds from the United States under the "State and Local Fiscal Assistance Act of 1972".

By Messrs. Ellis and Roberts:

S. 974. To provide that County Commissioners of each County shall be empowered to fix the salary to be paid Commissioners of such County, to provide that said compensation shall be fixed by resolution, not later than eight months preceding the general election for any such Commission to become effective at the expiration of the term of office of such Commission, during which such resolution is passed. To provide for those Commissions, whose terms do not run concurrently and to repeal all laws in conflict with this Act.

Mr. Roberts, Chairman of the Standing Committee on Local Government, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. King (With Amendment):

S. 1011. To authorize the County Commission or like governing body of each of the several Counties having less than 600,000 population according to the latest Federal census to regulate the minimum size lots, the planning and construction of all public streets, public roads and drainage structures and require proper placement of public utilities to be located in proposed subdivisions of land or in proposed additions to subdivisions of land existing at the time of the enactment of this Act where such subdivisions are situated outside the corporate limits of any municipality in such county provided that such placement of public utilities shall not be inconsistent with the Southern Standard Building Code, State and Federal laws and regulations of State and Federal regulatory agencies. To further provide for exercise of jurisdiction by counties over proposed subdivisions within the jurisdiction of municipal planning commissions and to provide for agreement of jurisdiction by counties with affected municipalities.



By Mr. King (With Amendment):

S. 987. To establish optional forms of county government in Alabama.

Mr. Roberts, Chairman of the Standing Committee on Local Government, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Vacca and Ellis (With Substitute):

S. 893. To further amend Sections 89, 94, and 95 of Title 51 of the Code of Alabama of 1940, as amended, changing population spans, methods of compensation and appointment of officers.

### BILL RE-REFERRED

Mr. Mims, Chairman of the Standing Committee on Agriculture, reported that said Committee, in session, had acted on the Bill, S. B. 1024, and ordered same returned to the Senate with the recommendation that it be re-referred to the Standing Committee on Finance and Taxation.

And the President and Presiding Officer of the Senate ordered said Bill, S. B. 1024, re-referred to the Standing Committee on Finance and Taxation.

### RESOLUTIONS

Messrs. Waldrop and Bank offered the following Senate Joint Resolution, to-wit:

#### S. J. R. 81. MOURNING THE DEATH OF BOBBY REICH

WHEREAS the Alabama Legislature has noted with a sense of deep regret the passing of Robert David (Bobby) Reich of Gadsden; and

WHEREAS Mr. Reich attended the University of Alabama and was active in alumni affairs; and

WHEREAS Bobby Reich was a member of the Gadsden Rotary Club and was active in the American Red Cross for many years; and

WHEREAS Mr. Reich was a member and former vestryman of the Episcopal Church of the Holy Comforter; and

WHEREAS Mr. Reich is a past president of the Alabama Hotel Association and was a builder and owner of the Guest House in Birmingham; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Bobby Reich and express our deep and sincere sympathy to his widow, Jane Eakins Reich, and his family to whom a copy of this Resolution shall be sent.

On motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Perry offered the following Senate Joint Resolution, to-wit:

S. J. R. 84. WISHING E. J. "BOOTS" GOSDIN A SPEEDY RECOVERY.

WHEREAS Trooper E. J. "Boots" Gosdin suffered a heart attack; and

WHEREAS Sgt. Gosdin is in intensive care in Opelika Hospital; and

WHEREAS all the members of the Legislature wish "Boots" Gosdin a return to good health; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we wish Sgt. "Boots" Gosdin a fast and speedy recovery.

BE IT RESOLVED FURTHER, That a copy of this resolution be sent to "Boots" Gosdin.

On motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Mr. Andrews:

H. J. R. 201. COMMENDING ROBERT EARL MCKEE, PASTOR OF THE EIGHTY-FIFTH STREET BAPTIST CHURCH.

Also:

By Mr. Andrews:

H. J. R. 202. COMMENDING ISAAC B. MCDONALD, PASTOR OF THE RUHAMA BAPTIST CHURCH.

Also:

By Mr. Venable:

H. J. R. 204. COMMENDING MRS. HENRIETTA COUNTS UPON HER RETIREMENT AS DIRECTOR OF THE TALLASSEE CITY RECREATION CENTER.

Also:

By Mr. Warren:

H. J. R. 212. MOURNING THE DEATH OF DR. CECIL EUGENE PRICE.

Also:

By Messrs. Wyatt and Drake:

H. J. R. 213. REGRETTING THE ILLNESS OF FORMER GOVERNOR JAMES E. (BIG JIM) FOLSOM.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolutions, H. J. R.'s 201, 202, 204, 212 and 213, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. McCluskey:

H. J. R. 210. CONGRATULATING RICHARD WINGARD'S SYLACAUGA LITTLE LEAGUE ALL-STARS ON WINNING THE STATE CHAMPIONSHIP.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 210, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Carothers and Albright:

H. J. R. 233. WELCOMING DR. HENRY KISSINGER TO ALABAMA.

WHEREAS Dr. Henry Kissinger is coming to Alabama to address the Third Annual Southern Commodity Producers Conference; and

WHEREAS Dr. Kissinger has recognized the importance of Southern products in World Affairs; and

WHEREAS Alabama has played a vital role in foreign trade through its agricultural and manufactured products and through the Port of Mobile; and

WHEREAS The Alabama Farm Bureau and the Southern Commodity Producers Conference have brought National attention to this State; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we welcome Dr. Henry Kissinger and invite him to visit Alabama again.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The Resolution, H. J. R. 233, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 56. MOURNING THE DEATH OF MRS. MARGARET MACLEOD BEDDOW.

Also:

S. J. R. 59. COMMENDING RICHARD THIGPEN.

Also:

S. J. R. 62. MOURNING THE DEATH OF MR. HERBERT WARNER.

Also:

S. J. R. 70. COMMENDING THE TENNESSEE-TOMBIGBEE WATERWAY DEVELOPMENT AUTHORITY.

JOHN W. PEMBERTON,  
Clerk.

## FURTHER CONSIDERATION OF S. B. 699

The Senate proceeded to further consideration of the Bill, S. B. 699. The question was on the motion of Mr. Roberts that the Bill and pending amendment be re-committed.

On motion of Mr. Bank, further consideration of the Bill, S. B. 699, was postponed until the Twenty-fourth Legislative Day.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Manley:

H. J. R. 229. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES THE SENATE CONCURRING, That when the two Houses adjourn on Tuesday, August 12, 1975 they adjourn to meet again on Thursday, August 14, 1975 and when they adjourn on Thursday, August 14, 1975 they adjourn to meet on Tuesday, August 19, 1975 and when they adjourn on Tuesday, August 19, 1975 they adjourn to meet on Thursday, August 21, 1975 and when they adjourn on Thursday, August 21, 1975 they adjourn to meet on Tuesday, September 2, 1975.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Owen, the Rules were suspended and the Resolution, H. J. R. 229, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## SPECIAL ORDER

## BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount and continuing order of business for today, the first of which was the Bill:

H. 212. To provide for a sentence of death or life imprisonment without parole in certain aggravated offenses; to prescribe the manner of charging and sentencing in such cases and to eliminate lesser included offenses in such cases; to limit the maximum punishment in all other cases to life imprisonment; to provide for an effective date of this act.

Mr. Pearson offered the following amendment to the Bill, H. B. 212, to-wit:

## AMENDMENT TO H. B. 212

Amend House Bill No. 212, Page 5, by striking out Section 8 thereof.

## BILL RE-REFERRED

Mr. Mims moved that the Bill, S. B. 748, be removed from the Calendar and re-referred to the Standing Committee on Finance and Taxation, as required by Rule 54, which motion was adopted.

And the President and Presiding Officer of the Senate ordered said Bill, S. B. 748, re-referred to the Standing Committee on Finance and Taxation.

STATE OF ALABAMA  
DEPARTMENT OF ARCHIVES AND HISTORY

The Honorable the Senate  
State of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

On February 15, 1973, the Board of Trustees of the Archives and History Department elected Sidney L. McDonald as a Trustee for the 4th Congressional District for the term expiring November 1979.

On behalf of the Board of Trustees I request the confirmation of Mr. McDonald's election.

Very respectfully,  
MILO B. HOWARD, JR.,  
Secretary, Board of Trustees.

STATE OF ALABAMA  
DEPARTMENT OF ARCHIVES AND HISTORY

The Honorable the Senate  
State of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

On May 15, 1975, the Board of Trustees of the Archives and History Department elected W. H. Mitchell as Trustee for the 5th Congressional District for the term expiring November 1979.

On behalf of the Board of Trustees I request the confirmation of Mr. Mitchell's election.

Very respectfully,  
MILO B. HOWARD, JR.,  
Secretary, Board of Trustees.

COMMUNICATIONS

The foregoing Communications from the Department of Archives and History relative to the appointment of Messrs. Mitchell and McDonald were read and referred to the Standing Committee on Rules.

FURTHER CONSIDERATION OF H. B. 212

The Senate proceeded to further consideration of the Bill, H. B. 212. The question was on the amendment offered by Mr. Pearson.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 792. To make further appropriations of State Funds for the fiscal year ending September 30, 1975.

JOHN W. PEMBERTON,  
Clerk.

REPORT FROM RULES

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 223. INVITING THE STAR SPANGLED SINGERS TO APPEAR BEFORE THE LEGISLATURE.

On motion of Mr. Baker, said Resolution was then concurred in and adopted by the Senate.

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**S. J. R. 36. NAMING THE RED MOUNTAIN EXPRESSWAY THE "ELTON B. STEPHENS EXPRESSWAY".**

On motion of Mr. McMillan, said Resolution was then adopted by the Senate.

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**S. R. 75. URGING THE ALABAMA STATE DOCKS TO INCREASE ITS GRAIN STORING AND EXPORTING FACILITIES.**

On motion of Mr. Givhan, said Resolution was then adopted by the Senate.

**RESOLUTIONS**

Messrs. King, Edwards, Baker and McDonald (A) offered the following Senate Resolution, to-wit:

**S. R. 88. MOURNING THE DEATH OF MRS. MARTHA WHIT BURLESON SMITH**

WHEREAS The Alabama Senate has noted with a sense of deep regret the passing of Martha Whit Burleson Smith; and

WHEREAS Mrs. Smith was born in Morgan County and has spent most of her adult life in Madison County; and

WHEREAS Martha Whit Burleson Smith was the first all-America cheerleader at the University of Alabama; and

WHEREAS Mrs. Smith was the first woman elected to the University of Alabama "A" Club; and

WHEREAS Mrs. Smith organized the office of the board of Registrars in Madison County and served as its chairman for many years; and

WHEREAS Martha Whit Burleson Smith was involved in many civic projects and organized the Madison County Christmas Charity Association; and

WHEREAS Mrs. Smith devoted many years of her life to public service to her community and the state, and served for eight years as voting consultant for the State of Alabama; now therefore,

BE IT RESOLVED BY THE ALABAMA SENATE, that we mourn the death of Martha Whit Burleson Smith and express our deep and sincere sympathy to her family to whom a copy of this Resolution shall be sent.

On motion of Mr. King, the Rules were suspended and the Resolution was adopted by the Senate.

**FURTHER CONSIDERATION OF H. B. 212**

The Senate proceeded to further consideration of the Bill, H. B. 212. The question was on the amendment offered by Mr. Pearson.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 201. Commending Robert Earl McKee, Pastor of the Eighty-Fifth Street Baptist Church.

Also:

H. J. R. 202. Commending Isaac B. McDonald, Pastor of the Ruhama Baptist Church.

Also:

H. J. R. 204. Commending Mrs. Henrietta Counts upon her retirement as Director of the Tallassee City Recreation Center.

Also:

H. J. R. 210. CONGRATULATING RICHARD WINGARD'S SYLACAUGA LITTLE LEAGUE ALL-STARS ON WINNING THE STATE CHAMPIONSHIP.

Also:

H. J. R. 212. MOURNING THE DEATH OF DR. CECIL EUGENE PRICE.

Also:

H. J. R. 213. REGRETTING THE ILLNESS OF FORMER GOVERNOR JAMES E. (BIG JIM) FOLSOM.

Also:

H. J. R. 229. Relative to adjournment.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill and Senate Joint Resolutions with the original Senate Bill and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 792. To make further appropriations of State Funds for the fiscal year ending September 30, 1975.



Also:

S. J. R. 56. Mourning the death of Mrs. Margaret MacLeod Beddow.

Also:

S. J. R. 59. Commending Richard Thigpen.

Also:

S. J. R. 62. Mourning the death of Mr. Herbert Warner.

Also:

S. J. R. 70. Commending the Tennessee-Tombigbee Waterway Development Authority.

E. C. FOSHEE,  
Chairman.

### SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bill and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

### FURTHER CONSIDERATION OF H. B. 212

The Senate proceeded to further consideration of the Bill, H. B. 212. The question was on the amendment offered by Mr. Pearson.

On motion of Mr. Fine, further consideration of the Bill, H. B. 212, and pending amendment, was postponed temporarily.

### BILL RE-REFERRED

Mr. Fine moved that the Bill, H. B. 571, be removed from the Calendar and re-referred to the Standing Committee on Finance and Taxation, as required by Rule 54, which motion was adopted.

And the President and Presiding Officer of the Senate ordered said Bill, H. B. 571, re-referred to the Standing Committee on Finance and Taxation.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 701. To further amend, and to revise and re-enact Title 22, Chapter 2, of the Code of Alabama of 1940 to provide further and more adequately for the protection against rabies.

was taken up.

The Standing Committee on Health and Welfare reported the following amendment to the Bill, S. B. 701, to-wit:

## COMMITTEE AMENDMENT TO S. B. 701

Senate Bill 701 is hereby amended by the addition of Section 2, Section 3, and Section 4, to begin on Page 11, Line 31, the additional sections to read as follows:

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage or its otherwise becoming a law.

Which was adopted.

Yeas 22; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Foshee, Givhan, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Stewart, Waldrop, Wilson.

—22

*Nays:*

—0

And said Bill, S. B. 701, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Flippo, Givhan, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Stewart, Waldrop, Wilson.

—22

*Nays:*

—0

The Bill:

S. 457. Relating to the weighing of livestock at public livestock markets which requires persons operating scales to obtain an annual permit from the Commissioner of Agriculture and Industries and to be bonded: to amend Section 2 of Act No. 169, H. 238, Legislature of 1959, approved September 23, 1959 (Acts of 1959, Vol. 1, p. 693) by fixing the amount of the annual permit fee to be paid by persons who operate scales upon which livestock are weighed at livestock markets which amount shall be five dollars; to prescribe the effective date of this Act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 1.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Flipppo, Foshee, Givhan, Jones, King, Littleton, McMillan, Mims, Noonan, Owen, Perloff, Perry, Powell, Wilson.

— 19

*Nay:* Mr. Stewart

— 1

The Bill:

S. 464. To further amend Section 89, Title 36, Code of Alabama 1940, as amended, which section regulates the size of motor vehicles allowed to travel on the public highways of this state, so as to further regulate the size of certain motor vehicles.

was taken up.

The Standing Committee on Commerce, Transportation, and Utilities reported the following substitute for the Bill, S. B. 464, to-wit:

#### COMMITTEE SUBSTITUTE FOR S. B. 464

##### A BILL TO BE ENTITLED AN ACT

To further amend Section 89, Title 36, Code of Alabama 1940, as amended, which section regulates the size of motor vehicles allowed to travel on the public highways of this state, so as to further regulate the size of certain motor vehicles.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 89, Title 36, Code of Alabama 1940, as amended, is hereby further amended to read as follows:

“Section 89. It shall be unlawful for any person to drive or move on any highway in this state any vehicle or vehicles of a size or weight except in accordance with the following provisions:

“(a) Width. No vehicle shall exceed a total outside width, including any load thereon, of eight feet. No vehicle shall be driven or drawn upon a highway with more than four animals abreast. No passenger vehicle shall carry any load extending beyond the line of the fenders. No vehicle hauling forest products or culvert pine shall have a load exceeding 102 inches in width, provided, however, these limits shall not be permitted on any interstate or defense highway where such limits are prohibited by federal statute.

“(b) Height. No vehicle or semitrailer shall exceed in height thirteen and one-half (13 1/2) feet.

“(c) Length. No vehicle shall exceed in length forty (40) feet, except that the length of semitrailer trucks, including any part of the body or load, shall not exceed fifty-five (55) feet. No vehicle operated on a highway shall carry any load extending more than a total of five (5) feet beyond both the front and rear, inclusive, of the vehicle.

“(d) Weight. (1) The gross weight imposed on the highway by the wheels of any one axle of a vehicle shall not exceed twenty thousand (20,000) pounds, or such other weight, if any, as may be permitted by federal law to keep the state from losing federal funds; provided, however, that inadequate bridges shall be posted to define load limits.

“(2) For the purpose of this Act, an axle load shall be defined as the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty (40) inches apart, extending across the full width of the vehicle.

“(3) Subject to the limit upon the weight imposed upon the highway through any one axle as set forth herein, the total weight with load imposed upon the highway by all the axles of a vehicle or combination of vehicles shall not exceed the gross weight given for the respective distances between the first and last axle of the vehicle or combination of vehicles, measured longitudinally to the nearest foot as set forth in the following table:

**COMPUTED GROSS WEIGHT TABLE**  
For various spacings of axle groupings

Distance in feet between first and last axles of vehicle or combination of vehicles	Maximum load in pounds on all the axles				
	2 axles	3 axles	4 axles	5 axles	6 axles
8 Feet, or less	36,000	42,000	42,000		
9 Feet	38,000	42,500	42,500		
10 Feet	40,000	43,500	43,500		
11 Feet		44,000	44,000		
12 Feet		45,000	50,000	50,000	
13 Feet		45,500	50,500	50,500	
14 Feet		46,500	51,500	51,500	
15 Feet		47,000	52,000	52,000	
16 Feet		48,000	52,500	58,000	58,000
17 Feet		48,500	53,500	58,500	58,500
18 Feet		49,500	54,000	59,000	59,000
19 Feet		50,000	54,500	60,000	60,000
20 Feet		51,000	55,500	60,500	66,000
21 Feet		51,500	56,000	61,000	66,500
22 Feet		52,500	56,500	61,500	67,000
23 Feet		53,000	57,500	62,500	68,000
24 Feet		54,000	58,000	63,000	68,500
25 Feet		54,500	58,500	63,500	69,000
26 Feet		56,000	59,500	64,000	69,500

27 Feet	57,000	60,000	65,000	70,000
28 Feet	59,000	60,500	65,500	71,000
29 Feet	60,000	61,500	66,000	71,500
30 Feet		62,000	66,500	72,000
31 Feet		63,500	67,000	72,500
32 Feet		64,500	68,000	73,500
33 Feet		65,000	69,000	74,000
34 Feet		65,500	70,000	74,500
35 Feet		66,500	71,000	75,000
36 Feet		67,000	72,000	76,000
37 Feet		68,000	73,000	77,000
38 Feet		69,000	74,000	78,000
39 Feet		70,000	75,000	79,000
40 Feet		71,000	76,000	80,000
41 Feet		72,000	77,000	81,000
42 Feet		73,000	78,000	82,000
43 Feet		74,000	79,000	83,000
44 Feet and over		75,000	80,000	84,000

“Except as provided by special permits, no vehicle or combination of vehicles exceeding the gross weights specified above shall be permitted to travel on the public highways within the State of Alabama.

“No vehicle or combination of vehicles shall be permitted to operate on any portion of the Interstate Highway System of Alabama, that shall have a greater weight than twenty thousand (20,000) pounds carried on any one axle, including all enforcement tolerances; or with a tandem axle weight in excess of thirty-four thousand (34,000) pounds, including all enforcement tolerances; or with an overall gross weight on a group of two or more consecutive axles produced by application of the following formula:

$$W=500 \left( \frac{LN + 12N + 36}{N-1} \right)$$

where W=overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds, L=distance in feet between the extreme of any group under consideration, except that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each providing the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six (36) feet or more; provided, that such overall gross weight may not exceed eighty thousand (80,000) pounds, including all enforcement tolerances.

"Nothing in this section shall be construed as permitting size or weight limits on the national system of interstate and defense highways in this state in excess of those permitted under 23 U.S.C. Section 127. If the federal government prescribes or adopts vehicle size or weight limits greater than those now prescribed by 23 U.S.C. Section 127 for the national system of interstate and defense highways, the increased limits shall become effective on the national system of interstate and defense highways in this state.

"Nothing in this section shall be construed to deny the operation of any vehicle or combination of vehicles that could be lawfully operated upon the highways roads of this state on January 4, 1975.

"(4) For purposes of enforcement of subsection (d) of this Section, all scaled weights shall be deemed to have a margin of error of ten percent (10%) of the true gross or axle weights.

"(5) Dump trucks, dump trailers, concrete mixing trucks, fuel oil, gasoline trucks, and trucks designated and constructed for special type work or use shall not be made to conform to the axle spacing requirements of subsection (d) (3) of this section provided that such vehicle shall be limited to a weight of 20,000 pounds per axle plus scale tolerances, and provided further that the maximum gross weight of such vehicles shall not exceed the maximum weight allowed by this section for the appropriate number of axles, irrespective of the distance between axles, plus allowable scale tolerances. All axles shall be brake equipped. Concrete mixing trucks which operate within their home or adjacent counties shall not be required to conform to the requirements of this subsection (d) (1) of this Section provided that such vehicles shall be limited to a maximum load of the rated capacity of the concrete mixer; such true gross load not to exceed 66,000 pounds; all such vehicles shall have at least three axles, each with brake equipped wheels. It shall be a violation if such vehicles named under this Sub-section travel upon bridges designated and posted by the Highway Director as incapable of carrying such loads.

"(6) If the driver of any vehicle can comply with the weight requirements of this section by shifting or equalizing the load on all wheels or axles and does so when requested by the proper authority, said driver shall not be held to be operating in violation of this section.

"(7) When portable scales are used in the enforcement of the provisions of this Act, the axles of any vehicle described or commonly referred to as tandem or tri-axle rigs or units (that is vehicles having two or more axles in addition to a steering axle), the group of tandem or tri-axles shall be weighed simultaneously and the total weight so derived shall be divided by the number of axles weighed in the group to arrive at the per axle weight. When portable scales are used to determine the weight of a vehicle pursuant to this Act, the operator of the vehicle will be permitted to move the vehicle to the nearest platform scales within a distance of ten highway miles accompanied by an enforcement officer to verify the accuracy of the portable scales used in determining the vehicle weight. If the weight of the vehicle is shown by the platform scales to be within the legal limits of this section, the operator of the vehicle shall not be held to be in violation of this section.

"(8) Provided further, that the governing body of a county, by appropriate resolution, may authorize limitations less than those prescribed herein for vehicles operated upon the county highways of such county.

“(9) Provided further, that the state highway department, for cause shall have the right to post or limit any road or bridge to weights less than those prescribed by this Section.

“It is the legislative intent and purpose that the provisions of this section be rigidly enforced by the state highway department, the department of public safety and any other authorized law enforcement officers of the State, any county or city and incorporated towns.

“(10) Two and three axle vehicles being used exclusively for the purpose of transporting agricultural commodities or products to and from a farm and for agricultural purposes relating to the operation and maintenance of a farm, may not be made to conform to the axle requirements (d) (1) of this section but shall meet the requirements of this section pertaining to the gross weight of vehicles and loads.”

Section 2. All laws and parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

The Standing Committee on Commerce, Transportation, and Utilities then reported the following amendment to the substitute for the Bill, S. B. 464, to-wit:

**COMMITTEE AMENDMENT TO SUBSTITUTE FOR S. B. 464**

On page 2, line 11, after the word “feet”, remove the period, and insert a comma and insert the words: including load.

Which was adopted.

The Standing Committee on Commerce, Transportation, and Utilities then reported the following amendment to the substitute, as amended, for the Bill, S. B. 464, to-wit:

**COMMITTEE AMENDMENT NO. 2 TO SUBSTITUTE,  
AS AMENDED, FOR S. B. 464**

On page 6, line 27, after the word “group”, add the following phrase: of two or more consecutive axles, and N=number of axles in group

Which was adopted.

The Standing Committee on Commerce, Transportation, and Utilities then reported the following amendment to the substitute, as amended, for the Bill, S. B. 464, to-wit:

**COMMITTEE AMENDMENT TO SUBSTITUTE,  
AS AMENDED, FOR S. B. 464**

On Page 7, line 29 delete the words, or adjacent

On page 7, line 30, change the word counties to read county

Which was adopted.

The Standing Committee on Commerce, Transportation, and Utilities then reported the following amendment to the substitute, as amended, for the Bill, S. B. 464, to-wit:

COMMITTEE AMENDMENT TO SUBSTITUTE, AS AMENDED,  
FOR S. B. 464

On page 9, line 5, insert the following words and phrases after the word "scales":

certified by the Department of Agriculture and Industries and operated by a bonded operator

Which was adopted.

The Standing Committee on Commerce, Transportation, and Utilities then reported the following amendment to the substitute, as amended, for the Bill, S. B. 464, to-wit:

COMMITTEE AMENDMENT TO SUBSTITUTE, AS AMENDED,  
FOR S. B. 464

On Page 6, line 37 insert after the words "greater than" the following:

"or less than"

On Page 6, line 38 insert after the word "increased" the following:

"or decreased"

Which was adopted.

The Standing Committee on Commerce, Transportation, and Utilities then reported the following amendment to the substitute, as amended, for the Bill, S. B. 464, to-wit:

COMMITTEE AMENDMENT TO SUBSTITUTE,  
AS AMENDED, FOR S. B. 464

Amend Senate Bill 464 on Page 9, Line 33, by inserting before Section 2, the following:

"(11) Any provision of this law or any other law, rule, regulation or order to the contrary notwithstanding, it shall be lawful for any farmer, custom harvester or husbandman to operate any two (2) or three (3) axle vehicle on the highways of this state regardless of gross or per axle weight if said vehicle is being used exclusively for the purpose of transporting to or from a farm for agricultural purposes farm commodities or farm products or equipment relating to the operation or maintenance of a farm."

On motion of Mr. Edwards, said amendment was laid on the table.

Mr. Edwards offered the following amendment to the substitute, as amended, for the Bill, S. B. 464, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 464

I move to amend Senate Bill No. 464 Page 9 Line 28, by inserting "by any farmer, custom harvester or husbandman" after the word "farm"; and



by striking out all of (d) (10) after the word "section" add adding the following: "or the gross weight requirements of (d) (3) of this section."

Which was adopted.

Mr. King offered the following amendment to the substitute, as amended, for the Bill, S. B. 464, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED FOR S. B. 464

Amend Senate Bill No. 464, pages 4 and 5 by striking out the column headed "6 AXLES" in its entirety and adding to column headed "5 AXLES" the word "and over"

On motion of Mr. Owen, said amendment was laid on the table.

Yeas 19; Nays 12.

*Yeas:*

Messrs. Adams, Bank, Clemon, Fine, Flippo, Foshee, Givhan, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Owen, Pearson, Perloff, Powell, Torbert, Wilson.

—19

*Nays:*

Messrs. Baker, Edwards, Ellis, Jones, King, Mitchell, Noonan, Perry, Roberts, St. John, Stewart, Waldrop.

—12

Mr. Edwards then offered the following amendment to the substitute, as amended, for the Bill, S. B. 464, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, S. B. 464

I hereby amend Senate Bill 464 as substituted by striking out lines 5 through 28 on page 5 and substituting therefor the following:

	4 Axles	5 Axles	6 Axles
25 feet, or less	58,500	63,500	69,000
26 feet, or less	59,500	64,000	69,500
27 feet, or less	60,000	65,000	70,000
28 feet, or less		65,500	71,000
29 feet, or less		66,000	71,500
30 feet, or less		66,500	72,000
31 feet, or less		67,000	72,500
32 feet, or less		68,000	73,500
33 feet, or less			74,000
34 feet, or less			74,500
35 feet, or less			75,000

Except as provided by special permits, no vehicle or combination of vehicles exceeding the gross weights specified above shall be permitted to travel on the public highways within the State of Alabama, other than those within the Interstate Highway System, than would otherwise now be permitted to operate on any portion of the Interstate Highway System of Alabama, as hereinafter set out."

On motion of Mr. Owen, said amendment was laid on the table.

Yeas 19; Nays 12.

*Yeas:*

Messrs. Adams, Bank, Clemon, Fine, Foshee, Givhan, Little, Littleton, McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Powell, Shelby, Torbert, Wilson.

—19

*Nays:*

Messrs. Baker, Edwards, Ellis, Jones, King, McDonald (A), Noonan, Perry, Roberts, St. John, Stewart, Waldrop.

—12

Mr. King then offered the following amendment to the substitute, as amended, for the Bill, S. B. 464, to-wit:

**AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 464**

Amend the Substitute for Senate Bill No. 464, Page 7, Line 11-14, by striking out subsection d (4).

On motion of Mr. Owen, said amendment was laid on the table.

Yeas 21; Nays 9.

*Yeas:*

Messrs. Adams, Bank, Clemon, Fine, Foshee, Givhan, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, St. John, Shelby, Torbert, Wilson.

—21

*Nays:*

Messrs. Baker, Edwards, Ellis, Flippo, Jones, King, Perry, Stewart, Waldrop.

—9

Mr. King then offered the following amendment to the substitute, as amended, for the Bill, S. B. 464, to-wit:

**AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 464**

Amend the Substitute for Senate Bill No. 464, Page 7, Line 11-14, by striking out subsection d (4) and inserting in lieu thereof the following: "for purposes of enforcing subsection d of this section all axle weights shall be deemed to have a margin of error of 5%."

On motion of Mr. Owen, said amendment was laid on the table.

Mr. Perry offered the following amendment to the substitute, as amended, for the Bill, S. B. 464, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 464

Amend Substitute for Senate Bill No. 464, Page 7, Line 29, by striking out "their home or adjacent counties" after the word "within" and adding the following; "50 miles of their home base."

Which was adopted.

Mr. Waldrop offered the following amendment to the substitute, as amended, for the Bill, S. B. 464, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 464

Amend S. B. 464, page 1, Section 1, ("Section 89(a)"), line 34, by striking the word "eight" after the word "of" and insert in lieu thereof the following words:

seven

On motion of Mr. Owen, said amendment was laid on the table.

And said substitute, as thus amended, for the Bill, S. B. 464, was then adopted by the Senate.

Yeas 23; Nays 7.

*Yeas:*

Messrs. Adams, Bank, Clemon, Ellis, Fine, Flipppo, Foshee, Givhan, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, St. John, Shelby, Wilson.

—23

*Nays:*

Messrs. Baker, Edwards, Jones, King, Roberts, Stewart, Waldrop.

—7

And said Bill, S. B. 464, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 7.

Abstaining 1.

*Yeas:*

Messrs. Adams, Bank, Clemon, Fine, Flipppo, Foshee, Givhan, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, St. John, Shelby, Torbert, Wilson.

—23

*Nays:*

Messrs. Baker, Edwards, Jones, King, Roberts, Stewart, Waldrop.

—7

*Abstaining:* Mr. Gilmore

—1

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 140. CREATING A JOINT INTERIM COMMITTEE TO MAKE A STUDY RELATIVE TO AMENDING THE PROBATE LAW OF ALABAMA.

Also:

H. J. R. 157. COMMENDING REVEREND JAMES LAWSON, PASTOR OF THE PACKER MEMORIAL BAPTIST CHURCH.

Also:

H. J. R. 158. COMMENDING DARYL JONES, PASTOR OF THE ROEBUCK PARK BAPTIST CHURCH.

Also:

H. J. R. 161. COMMENDING SGT. FIRST CLASS LUTHER L. CROWE OF TROOP E, 31ST CAVALRY, CHILDERSBURG.

Also:

H. J. R. 162. MOURNING THE DEATH OF WALTER L. RICE, SR.

Also:

H. J. R. 164. CONGRATULATING SANDRA PARKER FOR BEING NAMED CHAMPION SKEET SHOOTER.

Also:

H. J. R. 167. COMMENDING MRS. HATTIE SMITH.

Also:

H. J. R. 174. MOURNING THE DEATH OF RANDY G. OWENS.

Also:

H. J. R. 175. Commending Charles E. Baker, Pastor of the John Wesley Bible Church.

Also:

H. J. R. 176. Commending Jerry W. Batson, Pastor of the South Roebuck Baptist Church.

Also:

H. J. R. 177. Commending Mrs. Emma Lee Jackson Smee.

Also:

H. J. R. 181. Regretting the illness of Former Governor James E. Folsom.

Also:

H. J. R. 185. Commending John A. Troxler, Pastor of the Seventy-Sixth Street Presbyterian Church.

Also:

H. J. R. 186. Commending Mike Todd, Pastor of the Lake Highland Baptist Church.

Also:

H. J. R. 187. Commending John N. Foster, Pastor of the Lakewood Baptist Church.

Also:

H. J. R. 205. Commending The Tennessee-Tombigbee Waterway Development Authority.

Also:

H. J. R. 189. Mourning the death of Thomas M. Lambert, Sr.

Also:

H. J. R. 193. Commending N. R. Horton for his contribution to the seafood industry.

Also:

H. J. R. 223. INVITING THE STAR SPANGLED SINGERS TO APPEAR BEFORE THE LEGISLATURE.

Also:

H. J. R. 105. PETITIONING THE CONGRESS OF THE UNITED STATES TO CONVENE A CONSTITUTIONAL CONVENTION FOR THE PURPOSE OF PROPOSING AN AMENDMENT TO THE CONSTITUTION WHICH WOULD PROHIBIT DEFICIT SPENDING BY THE GOVERNMENT OF THE UNITED STATES, EXCEPT IN TIMES OF NATIONAL EMERGENCY.

Also:

H. J. R. 109. URGING CONGRESS AND THE PRESIDENT NOT TO RELINQUISH THE PANAMA CANAL.

Also:

H. J. R. 156. TO PROVIDE FOR THE EMPLOYMENT OF A TECHNICAL CONSULTANT BY THE SUBCOMMITTEE TO STUDY THE IMPLEMENTATION OF THE NEW JUDICIAL ARTICLE TO THE CONSTITUTION, WHICH WAS ESTABLISHED BY THE JUDICIARY COMMITTEE.

Also:

H. J. R. 170. EXTENDING BY 10 LEGISLATIVE DAYS THE REPORTING DATE OF THE SELECT JOINT COMMITTEE CREATED TO STUDY THE RISING COST TO THE STATE OF THE MEDICARE AND MEDICAID PROGRAMS.

Also:

H. J. R. 200. Naming Highway 98 From Spanish Fort to Barnwell the "Eastern Shore Parkway."

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### RESOLUTION

Mr. Pearson offered the following Senate Resolution, to-wit:

S. R. 89. BE IT RESOLVED BY THE SENATE OF ALABAMA, That we respectfully request the honorable Chief Justice and Associate Justices of the Supreme Court, or a majority of them, to give this body their written opinions on the following important constitutional question which has arisen concerning the pending bill, H. B. 212.

If enacted, would this bill meet the constitutional test as set out by the U. S. Supreme Court in the case of *Furman vs. Georgia* 403 U. S. 952.

RESOLVED FURTHER that the Secretary of the Senate is hereby directed to send nine true copies of the pending bill, H. B. 212, to the Clerk of Alabama, and to transmit this request to the Justice of the Supreme Court forthwith upon adoption of this Resolution.

It is further requested by the Senate that the Supreme Court give this matter immediate attention and submit their opinion forthwith to the Senate.

On motion of Mr. Pearson, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 20, Nays 8.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Fine, Gilmore, Givhan, Jones, King, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Pearson, Perry, Powell, Stewart, Waldrop, Wilson.

—20

*Nays:*

Messrs. Bank, Edwards, Flippo, Foshee, Little, Mims, St. John, Torbert.

—8

### BILLS ON THIRD READING RESUMED

The Bill:

S. 658. Relating to taxation; to amend Title 51, Section 2 (1) (m) of Alabama Code of 1940, as heretofore amended, so as to exempt from ad

valorem taxation articles manufactured in Alabama in the hands of the producer or manufacturer thereof for twelve (12) months after production or manufacture.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Torbert, Wilson.

—24

*Nays:*

—0

The Bill:

S. 659. To amend Sections 1 and 2 of Act No. 399, H. 318, 1967 Regular Session (Acts 1967, p. 1002), and Sections 4 and 7 of Title 51, Code of Alabama 1940, as amended, which relate to applications for exemptions of factories, industries, and plants from ad valorem tax, so as to extend the time for making applications for exemptions for a shorter duration of time.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Givhan, Jones, King, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perry, Powell, St. John, Torbert.

—22

*Nays:*

—0

The Bill:

S. 14. To exempt from state income taxes any rebate on taxes paid during the year 1974 that is received during the calendar year 1975.

was taken up.

Mr. Jones offered the following amendment to the Bill, S. B. 14, to-wit:

#### AMENDMENT TO S. B. 14

Amend Senate Bill No. 14, Section 1 as follows:

Section 1. In addition to any and other exemptions provided by law, any federal tax rebate (received under Public Law 94-12, Tax Reduction Act of 1975, signed by the President on March 29, 1975) during the calendar year 1975 shall be exempt from state income taxes.

Which was adopted.

Yeas 27; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, St. John, Stewart, Torbert, Wilson.

—27

*Nays:*

—0

And said Bill, S. B. 14, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Givhan, Jones, King, Little, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, St. John, Stewart, Torbert, Wilson.

—24

*Nays:*

—0

The Bill:

S. 369. To authorize the sale and issuance of not exceeding \$7,000,000 principal amount of general obligation bonds of the State of Alabama for the purpose of acquiring, constructing, equipping and improving mental health facilities, including security medical facilities for persons requiring security during treatment; to pledge the full faith and credit of the state for payment of the principal of and interest on said bonds; to create a bond commission with authority to specify the details of and to make provisions for the sale of and to sell said bonds; and to make provision for the terms, execution, and issuance of said bonds and the use of the proceeds therefrom.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, St. John, Stewart, Wilson.

—27

*Nays:*

—0

The Bill:

S. 373. To propose and provide for the submission of an amendment to the Constitution of Alabama authorizing the issuance of not exceeding \$7,000,000 principal amount of General Obligation Bonds of the State of Alabama for the acquisition, construction, equipment and improvement of



mental health facilities, including security medical facilities for persons requiring security during treatment.

Was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Powell, St. John, Stewart, Torbert, Waldrop, Wilson.

—27

*Nays:*

—0

The Bill:

S. 140. To provide for the filing of a list of stockholders of certain regulated public utilities doing business in the State of Alabama with the Secretary of State; to provide penalties for the violation of this act.

was taken up.

Mr. St. John offered the following substitute for the Bill, S. B. 140, to-wit:

#### SUBSTITUTE FOR S. B. 140

#### A BILL TO BE ENTITLED AN ACT

To provide for the filing of a list of certain stockholders of certain regulated public utilities doing business in the State of Alabama with the Secretary of State; to provide penalties for the violation of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. As used in this act, the following words shall have the following meaning:

“Public utility” means any corporation and any affiliate or holding company of any such corporation that is regulated by the Alabama Public Service Commission and having over \$10,000,000 in gross income during the previous year from business in the State of Alabama.

Section 2. Any public utility doing business in this state shall file with the Secretary of State a list of its largest 100 stockholders eligible for voting to elect directors at the most recent election. Such list shall state the name, mailing address, and number of shares held by each of said stockholders. Each public utility shall file such list on the 31st day of December and the 30th day of June during each year thereafter. Any such list shall be open for public inspection during the regular office hours of the Secretary of State.

Section 3. The term “public utility” as used herein shall not include railroads.

Section 4. Any public utility which willfully or intentionally violates the provisions of this act shall be fined the sum of \$1000.00 for each day of such violation.

Section 5. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 26; Nays 0.

Abstaining 1.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Givhan, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, St. John, Torbert, Wilson.

—26

*Nays:*

—0

*Abstaining:* Mr. McDonald (S)

—1

And said Bill, S. B. 140, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Abstaining 1.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Flippo, Foshee, Givhan, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, St. John, Torbert, Waldrop, Wilson.

—26

*Nays:*

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*Abstaining:* Mr. McDonald (S)

—1

The Bill:

H. 14. To amend further Code of Alabama 1940, Title 42, Section 12, as amended, so as to allow a delinquent parolee to receive credit toward fulfillment of the execution of his sentence to imprisonment for the time spent in prison after the date of his arrest as a delinquent parolee.

Was read a third time at length and passed.

Yeas 26; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, Torbert, Wilson.

—26

*Nays:*

—0

The Bill:

S. 460. To amend Title 48, Sections 215, 216, 217, 222, and 223, Alabama Code 1940, which provides for the appointment and exercise of powers of Railway Policemen, so as to provide the Governor power to enter into reciprocal agreements with other states, allowing Railway Policemen to exercise their power and authority in other states; to allow such policemen to register with the Secretary of State.

was taken up.

The Standing Committee on Commerce, Transportation, and Utilities reported the following amendment to the Bill, S. B. 460, to-wit:

#### COMMITTEE AMENDMENT TO S. B. 460

Amend Senate Bill 460, Section 3 as follows:

Delete beginning Line 26 through Line 31 which states: "A railroad policeman may exercise the same powers of arrest and the right to bear firearms that may be exercised by any state, municipal or other police officer in this state, but only with respect to offenses committed against property owned or in the possession of the railroad by which he is employed, or against any person while on such property."

Insert in lieu thereof the following: A railroad policeman may exercise the same powers of arrest and the right to bear firearms that may be exercised by any state, municipal or other police officer in this state, but only with respect to offenses committed against property owned or in the possession of the railroad by which he is employed, or for any offense committed on such property.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Powell, Torbert, Wilson.

—25

*Nays:*

—0

And said Bill, S. B. 460, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

*Yeas:*

Messrs. Adams, Baker Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Torbert, Wilson.

—27

*Nays:*

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The Bill:

S. 461. To amend Title 48, Section 462, Code of Alabama 1940, which relates to unlawful riding on trains, busses and trucks, so as to increase the penalty therefor.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, Torbert, Wilson.

—25

*Nays:*

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The Bill:

S. 100. To further amend Section 40 of Title 36, Code of Alabama 1940, as amended which relates to lighting equipment required on motor vehicles.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Givhan, Jones, King, Little, McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Powell, Torbert, Wilson.

—21

*Nays:*

—0

The Bill:

S. 130. Relating to the appointment of a trustee for and the administration of the estate of a property owner, who has absented himself from the county of this state where he usually resides and his whereabouts is unknown.

was taken up.

Mr. Torbert offered the following amendment to the Bill, S. B. 130, to-wit:

AMENDMENT TO S. B. 130

Amend Senate Bill No. 130, Page 1, Line 11, by inserting "Code of Alabama, 1940, as amended after the words "title 61".

Also, amend S. B. 130 pg. 1, line 13 by inserting "Code of Alabama, 1940, as amended" after the words "title 61".

Also, amend S. B. 130, pg. 6, line 8 by inserting "Code of Alabama, 1940, as amended" after the words "of title 61".

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Givhan, Jones, King, Little, McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, Stewart, Torbert, Wilson.

—25

*Nays:*

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Mr. Edwards offered the following amendment to the Bill, S. B. 130, as amended, to-wit:

AMENDMENT TO S. B. 130, AS AMENDED

Amend Senate Bill No. 130, Page 6, Line 14, by inserting after the word "persons" the following: "or persons by law declared presumed dead,"

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Givhan, Jones, King, Little, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Roberts, St. John, Torbert, Wilson.

—25

*Nays:*

—0

And said Bill, S. B. 130, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 1.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, King, Little, Littleton, Mims, Mitchell, Noonan, Perry, Powell, Roberts, St. John, Torbert, Wilson.

—22

Nay: Mr. McMillan

—1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Merrill:

H. 1362. This bill authorizes the Secretary of the Senate and the Clerk of the House to provide transcripts of bills and provide for payment of same.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 1362. To the Committee on Finance and Taxation.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 616. To provide that the annual sessions of the legislature shall commence on the first Tuesday in February of each year.

was taken up.

Mr. King offered the following substitute for the Bill, S. B. 616, to-wit:

### SUBSTITUTE FOR S. B. 616

#### A BILL TO BE ENTITLED AN ACT

To provide that the annual sessions of the legislature shall commence on the last Tuesday in March of each of the first three years of the term of office of the legislature and on the third Tuesday in January of the fourth year of said term.

Be It Enacted by the Legislature of Alabama:

Section 1. The annual sessions of the Alabama Legislature shall commence on the last Tuesday in March of each of the first three years of the term of office of the legislature and on the third Tuesday in January of the fourth year of said term.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 24; Nays 2.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Givhan, Jones, King, Little, Littleton, McDonald (S), Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Torbert.

—24

*Nays:* Messrs. Adams, Mims.

—2

And said Bill, S. B. 616, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 2.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Torbert, Wilson.

—26

*Nays:* Messrs. Adams, Mims.

—2

The Bill:

H. 903. To amend Sections 1 and 8 of Act No. 999, H. 288 Regular Session 1969 (Acts 1969, p. 1855-1866, now appearing in Code of Alabama Recompiled 1958, Title 55, Section 475, (37-56), as last amended; to provide further for the Alabama Peace Officers Annuity and Benefits Fund; to redefine certain words and terms; to revise eligibility requirements and retirement benefits.

was taken up.

#### ADJOURNMENT

At 4:25 P.M., on motion of Mr. Fine, pending further consideration of H. B. 903, and in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, August 19, 1975, at 9 o'clock A.M.

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#### TWENTY-FOURTH LEGISLATIVE DAY TUESDAY, AUGUST 19, 1975

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

#### PRAYER

The Session was opened with prayer by the Reverend James B. Sherwood, Minister, Covenant Presbyterian Church, Montgomery, Alabama.

## ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Weaver, Wilson.

— 33

## JOURNAL

On motion of Mr. Fine, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-third Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

E. C. FOSHEE,  
Chairman.

## COMMITTEE REPORT

On motion of Mr. Foshee, the foregoing report was concurred in and the Journal of the Senate for the Twenty-third Legislative Day was approved by the Senate.

## LEAVES OF ABSENCE

On motion of Mr. Fine, leaves of absence were granted Messrs. Perry and Waldrop for today.

## RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 90. Resolved by the Senate, That the following bills shall be the paramount and continuing order of business, immediately upon adoption of this resolution, taking precedence over all other business, for the 24th legislative day only:

Bill No.	Page	Description
H. B. 1157		Lagoon Park
S. B. 479	45	Higher education
S. B. 933	84	Agriculture
S. B. 797	74	Real Estate Commission



S. B. 75	7	Office of Pros. Services
S. B. 699	1	Probate Judges
H. B. 201	101	Drivers Licenses
S. B. 838	103	PSC
S. B. 161	16	Co. Governments
S. B. 683	22	Const. Comm.
S. B. 660	50	Veterinarians
H. B. 435	109	UAB
H. B. 442	109	Dept. of Cons.
S. B. 139	31	Education
S. B. 106	26	Emergency Care
S. B. 440	7	Voting
S. B. 223	19	PSC
S. B. 430	5	County Claims
S. B. 441	112	Firefighters
S. B. 142	20	Rescue Squads
S. B. 668	98	Credit cards
H. B. 39	73	Dept. of Labor
S. B. 925	57	Water works
S. B. 891	117	Warehouses
S. B. 698	24	Mental health
S. B. 704	114	District attorneys

All uncontested local bills as they appear on the regular calendar.

On motion of Mr. Foshee, said Resolution was adopted by the Senate.

### REPORTS OF COMMITTEES

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McCluskey:

H. 837. Relating to all counties having populations of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census; to provide for an additional secretarial assistant for the office of the district attorney of the judicial circuit in which such county lies.

By Mr. Warren (with notice and proof):

H. 163. Relating to Conecuh County: Authorizing the sheriff to send, by first-class mail, notice of summons to persons selected to serve jury duty; and to notify, by first class-mail those persons selected to serve as election officers.

By Mr. Warren (with notice and proof):

H. 164. Relating to Conecuh County, providing for the reimbursement of actual expenses of the members of the county board of education for their attendance at all authorized out-of-county meetings and conferences upon presentation of receipts by such members.

By Mr. Warren (with notice and proof):

H. 165. Relating to Conecuh County; providing for an increase in the pay of the members of the board of registrars and board of equalization.

By Mr. Warren (with notice and proof):

H. 166. Relating to Conecuh County; providing for a monthly clerical assistance allowance for the tax assessor of said county and specifically repealing Act No. 334, H. 921 of the Regular Session 1973 (Acts of 1973, p. 476), which Act provides for such an allowance for the months of October, November and December, only, making the provisions of this Act effective July 1, 1975.

By Mr. McCorquodale (with notice and proof):

H. 243. Relating to Clarke County; authorizing the county commission of said county to provide data processing computerized services or other electronic systems, including micro-filming equipment, for the offices of the probate judge, tax assessor and the tax collector; to provide for the manner of procuring such services and equipment and for the payment therefor from the county general fund; to provide that all contracts made pursuant to the provisions of this act shall be exempt from any applicable statewide or local competitive bid law and shall be subject to the recommendation and approval of the probate judge of said county.

By Mr. McCorquodale: (with notice and proof):

H. 244. To provide for a clerk or clerks in the offices of the Tax Collector and Tax Assessor of Clarke County, Alabama, and to fix the method and basis of the employment and compensation of such clerk or clerks, and to make such compensation payable out of the General Fund of said County.

By Mr. McCorquodale (with notice and proof):

H. 1013. Relating to Clarke County, Alabama; to provide that the Clerk of the Inferior Court of said County and the Recorders of the Municipal Courts of Grove Hill, Jackson and Thomasville in said County may each take affidavits and complaints, issue warrants of arrest in misdemeanor and felony cases, and issue search warrants.

By Mr. McCorquodale (with notice and proof):

H. 1012. Relating to Clarke County; providing an additional expense allowance for the members of the Clarke County Commission or other like governing body.

By Messrs. Smith (M) and Higginbotham (with notice and proof):

H. 1266. To authorize certain savings and loan associations to establish a branch or branches in certain parts of Chambers County, Alabama.

By Mr. McCorquodale (with notice and proof):

H. 1384. Relating to Clarke County, Alabama; providing for the time of the meetings of the Clarke County Commission.

By Messrs. Owens, Robertson, Johnson, Clark, Lee and Howard (with notice and proof):

H. 514. Relating to Tuscaloosa County; to provide for a uniform compensation schedule for all law enforcement officers in the sheriff's department in said county.

By Messrs. Malone, Glass, McCulley, Kennedy, Johnstone and LeFlore:

H. 786. To provide that the employees of any city having a population of not less than 175,000 nor more than 275,000 according to the most recent federal decennial census, may by election designate a bargaining agent to represent them in respect to the wages the city employing them shall pay them and in respect to other conditions of employment; to provide for calling and conducting elections to certify a bargaining agent and elections to decertify a bargaining agent; to authorize the director of labor of the State of Alabama to establish rules and regulations governing the call of, notice of, and conduct of such elections; to provide for collective bargaining proceedings to be instituted by the bargaining agent or the officer or body empowered to establish wages for the employees; to provide for compulsory arbitration; to provide for the appointment of arbitrators and define their jurisdiction and authority; to provide that the arbitrators' decisions shall be binding upon all parties; to provide for the enforcement of such decisions by the circuit court; to provide that it shall be unlawful for an employee to strike or engage in any work stoppage or slowdown; and that it shall be unlawful for any bargaining agent, or any officer or body empowered to establish wages for employees to fail to bargain in good faith, in accordance with this act, or to fail to carry out any decision rendered by the arbitrators; to provide penalties for any person violating this act; and to repeal all laws or parts of laws, whether general, special or local, in conflict with this act.

By Mr. Folmar:

H. 310. To amend Section 2 of Act No. 25, H. 50, Second Special Session 1975, approved March 10, 1975, entitled "An Act Relating to all counties having a population of not less than 24,900 nor more than 25,150 according to the most recent federal decennial census; providing an expense allowance for the Judge of the Inferior Court of that county and providing an expense allowance for the County Solicitor of that county," so as to correct a technical omission in said Section 2 and to give the provisions of this amendatory act retroactive effect to March 10, 1975.

By Mr. Folmar (with notice and proof):

H. 757. To alter rearrange and extend the boundary lines and corporate limits of the Town of Goshen, in the County of Pike and State of Alabama; providing for the exemption from ad valorem taxation of farm

lands annexed by this Act; and prescribing the time when this Act shall become effective.

By Mr. Folmar:

H. 972. To amend Section 1 of Act No. 451, S. 659, Regular Session of the Legislature of 1973, which act relates to the office of supernumerary county commissioner in all counties with a population of not less than 24,900 nor more than 25,150 according to the most recent federal decennial census, so as to further prescribe the qualifications for said position in such counties.

By Mr. Folmar:

H. 1400. To authorize all municipalities in counties having populations of not less than 24,900 nor greater than 25,150 according to the most recent federal decennial census; to construct and maintain, wholly within its corporate limits, offices for persons engaged in the diagnosis, treatment and cure of sick and injured persons, buildings to house or service equipment used for the diagnosis or treatment of sick or injured persons or the records of such diagnosis or treatment or research with respect thereto, and appurtenant facilities (and to acquire sites therefor); to authorize any such municipality to borrow money and to issue interestbearing bonds, warrants and notes for the purpose of financing the construction of any such offices, buildings and facilities, and the acquisition of such sites; to provide that such bonds, warrants or notes may be general obligations of the issuing municipality or may be limited as to their source of payment and to authorize special pledges therefor; to authorize any such municipality to lease to one or more physicians all or any part of such offices, buildings and facilities; to prescribe certain conditions precedent that must be complied with before a municipality may construct or finance any such offices, buildings and facilities; to prohibit a municipality from leasing or renting any such offices, buildings or facilities unless the lease or rental arrangement obligates the lessees or tenants to pay rental aggregating not less than the fair rental value thereof; and to provide that the failure of any such municipality to comply with the provisions of this act relating to the leasing or renting of such offices, buildings or facilities shall not affect the validity or legality of any securities issued for the purpose of constructing such offices, buildings and facilities.

## RESOLUTIONS

Mr. McMillan offered the following Senate Joint Resolution, to-wit:

S. J. R. 86. COMMENDING MAJOR GENERAL THOMAS W. MORGAN ON HIS ILLUSTRIOUS MILITARY CAREER

WHEREAS, A native Alabamian has brought honor to his State by virtue of an outstanding career in the Air Force; and

WHEREAS, Major General Thomas W. Morgan, Son of Mr. and Mrs. W. W. Morgan of Flomaton, will direct the Air Force's space and missile research and development program beginning September 1; and

WHEREAS, He has been nominated to the rank of Lieutenant General by the White House, and has served with distinction in many facets of aeronautical engineering and the space program; and

WHEREAS, General Morgan is a product of the public school system of Flomaton and of Auburn University; and

WHEREAS, He and his wife, the former Catherine Light Richmond, of Washington, D. C., are the parents of seven children; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we do congratulate Major General Thomas W. Morgan on his distinguished career in the Air Force, and wish him continued success in his new assignment as commander of the Space and Missile Systems Organization in Los Angeles.

BE IT FURTHER RESOLVED That copies of this resolution be sent to General Morgan and his parents.

On motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Givhan offered the following Senate Joint Resolution, to-wit:

S. J. R. 87. COMMENDING WILLIAM A. KYNARD.

WHEREAS William A. Kynard is the Circuit Court Clerk and Register of Dallas County, Alabama; and

WHEREAS Mr. Kynard is the past President of the Alabama Association of Circuit Court Clerks and Registers; and

WHEREAS William A. Kynard was nominated as Clerk of the Year for the National Association of County Recorders and Clerks during his term as President of the Alabama Association; and

WHEREAS Mr. Kynard is past President of the local Jaycees; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend William A. Kynard for his diligent service as Circuit Court Clerk and Register of Dallas County, Alabama.

BE IT RESOLVED FURTHER, That a copy of this Resolution be sent to Mr. William A. Kynard.

On motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Mr. Edwards:

H. J. R. 214. COMMENDING MRS. J. J. SAMPLEY.

Also:

By Messrs. Baker, Whatley, Smith (M) and Higginbotham:

H. J. R. 215. COMMENDING THE REVEREND MARION NEWMAN.

Also:

By Messrs. Baker, Whatley, Smith (M) and Higginbotham:

H. J. R. 216. COMMENDING THE PHENIX CITIZEN FOR WINNING STATE AWARDS IN THE RECENT "BETTER NEWSPAPER CONTEST".

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolutions, H. J. R.'s 214, 215 and 216, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration.

By Mr. Holmes:

H. J. R. 241. CREATING A SELECT COMMITTEE TO PROVIDE FUNDING FOR THE PRISON SYSTEM.

WHEREAS there is a vital need in the State Prison System for additional funds to alleviate overcrowding and other inhumane conditions in the prisons; and

WHEREAS Judge William B. Hand of the Southern District of the United States District Court has ordered that these conditions be improved immediately; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a select committee shall be created, to be composed of three members of the House to be appointed by the Speaker and two members of the Senate to be appointed by the President. It shall be the duty of the committee to look into the Ways and Means of funding the prison system and to make recommendations to the legislature for improving prison conditions in accordance with Judge Hand's mandate. The committee shall make recommendations to the Legislature by the 28th legislative day.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 241, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Owens, McCorquodale, Burgess, Manley, Crowe, Callahan, Carothers, Carter, Plaster, Hines, Sandusky, Smith (C), Morris, Folmar, Warren, Clark, Coburn, Greer, Weeks, Brindley, Killian, White, Holley, Teague, Dial, Roberts, Kelley, Mitchem, Ford, Gafford, Moore (O), McCulley, Baker, Whatley, Sasser, Smith (J), Drake, Martin, Cross, McMillan, Crawford, Williams, Johnson, Moore (W), Lee, McNees, Waggoner, Sparks, Sonnier, Cooper, Smith (M), Higginbotham, Kinsey, Pegues, Rich, McCluskey, Biddle, Quarles, Starkey, Malone, Hill, Andrews, Glass, Jackson (F), Wyatt, Boles, Hall, Riddick and Armstrong:

H. 249. To further amend Section 89, Title 36, Code of Alabama 1940, as amended, which section regulates the size of motor vehicles allowed to travel on the public highways of this state, so as to further regulate the size of certain motor vehicles.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 249. To the Committee on Commerce, Transportation, and Utilities.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Lutz and Killian:

H. 512. To amend Sections 9 and 11 of the Securities Act of Alabama, being Sections 9 and 11 of Act No. 542, Regular Session 1959, (Acts of 1959, p. 1335 et. seq.) as amended by Section 9 of Act No. 605, Regular Session 1969 (Acts of 1969, p. 1104 et. seq.), now appearing as Sections 36 and 38 of Title 53, Code of Alabama 1940 (Recompiled 1958) which regulate transactions in securities in Alabama so as to resolve an ambiguity and make it clear that Alabama Credit Unions are entitled to the same exemptions enjoyed by banks, savings and loan associations and trust companies.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 512. To the Committee on Banking.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Johnson:

H. 409. To amend Sections 433 (17), 433 (18), 433 (19), and 433 (34), Title 52, Code of Alabama, Recompiled 1958, so as to include kindergartens under the purview of the State Courses of Study Committee; to require that the State Textbook Committee select only materials that are applicable to the approved Course of Study; to expand the State Textbook Committee and that up to 30% of the Textbook allocation may be spent for readiness materials and for non-consumable supplementary materials.

Also:

By Mr. Lutz:

H. 141. Providing that committees of dentists appointed or formed as Utilization Review and Quality Control Committees, Peer Review Committees and Professional Standards Review Committees shall not be deemed liable in damages for actions taken or recommendations made when acting in good faith on facts reasonably known to exist.

Also:

By Messrs. Harris, Barron, McCorquodale, Sonnier, Johnson, Robertson, Goodwin, Starkey, Weeks, Naramore, Drake, Campbell, Hill, Armstrong, Howard, Teague, Shelton, Roberts, Leonard, Cross, Callahan, Folmar, Venable, Sandusky, Cooper, Whatley, Kennedy, Glass, Jackson (F), Manley, Lee, Johnstone, Harrison, Pegues, Biddle, Merrill, Warren, Hines, Cates, Baker, Higginbotham, Dial, Lockett, Wyatt, Plaster, Holmes, Lewis, Smith (C), Smith (J), Kinsey, Malone, McCulley and LeFlore:

H. 652. To further amend Act No. 173, H. 311, Regular Session 1945, (Acts 1945, p. 304), so as to add a representative from AMVETS to the State Board of Veterans Affairs.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B. 409. To the Committee on Education.

H. B. 141. To the Committee on Health and Welfare

H. B. 652. To the Committee on State Government

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:



By Messrs. Campbell and Manley:

H. 1125. Relating to public health; further amending Section 1 of Act No. 211, S. 107, Regular Session 1945 (General Acts 1945, p. 330), as amended, (now appearing in Code of Alabama, Recompiled 1958, Title 22, Section 204 (3) ) so as to include nursing homes and extended care facilities within the definition of the term, hospital, as such term is used in the law providing for State Board of Health Hospitals and the State master plan of hospitals.

Also:

By Messrs. Smith (J), Crawford, Carothers, Sasser and Williams:

H. 443. To make an appropriation to the use of the Southeast Choctawhatchee River Watershed Association.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B. 1125. To the Committee on Health and Welfare.

H. B. 443. To the Committee on Finance and Taxation.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Cross, Moore (O), Robertson, Hines, Smith (C), Kennedy, Roberts, Edwards, Manley, Morris, Martin, McCluskey, Rich, Greer, Goodwin, Clark, Carter and Owens:

H. 857. To revise the fee schedule for services rendered in probate offices and establish a new schedule for such services; and to repeal Code of Alabama 1940, Title 11, Section 29, and other general laws of state-wide application in conflict herewith.

Also:

By Messrs. Shelton, Merrill, Burgess, Quarles, Crowe, Morris, Hines, Callahan and Manley:

H. 76. Relating to taxation, to provide for an exemption from ad valorem taxation on personal property in transit through this state, or in storage in a public or private warehouse or other storage facility for shipment to a destination outside this state, to declare the policy of this state to encourage the development of this state as a distribution center; to provide for certain warehouse or storage facility records with regard to such property; and to repeal inconsistent laws.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. B.'s 857 and 76. To the Committee on Finance and Taxation

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Waggoner:

H. 614. To make an appropriation from the State General Fund to the Alabama Travel Council for the remainder of the fiscal year ending September 30, 1975.

Also:

By Messrs. Carter, Starkey and Naramore:

H. 588. To amend Act No. 1980, Acts of Alabama, 1971 Regular Session, p. 3222, pertaining to annual resident fishing licenses so as to remove the sentence referring to borrowing, lending or altering said licenses.

Also:

By Mr. Callahan:

H. 575. To amend Section 57 of Title 8, Code of Alabama 1940, which relates to the appointment of deputy game and fish wardens, so as to require a fee of Fifty Dollars (\$50.00) for such appointments.

Also:

By Mr. Biddle:

H. 469. To amend Section 87 of Title 8, Code of Alabama 1940, as amended, pertaining to the penalty for hunting during closed seasons.

Also:

By Mr. Biddle:

H. 470. To amend Section 106 of Title 8, Code of Alabama 1940, as amended, pertaining to the penalty for killing domestic animals while hunting.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B. 614. To the Committee on Finance and Taxation.

H. B.'s 588, 575, 469 and 470. To the Committee on Conservation.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Robertson, McMillan, Owens, Wyatt, Clark, Johnson, Harris and Lee:

H. 230. To create a commission called Alabama Foreign Trade Relations Commission; prescribing certain powers and duties for said permanent state commission; authorizing the use of legislative funds in the amount of \$50,000 per year for its expenses during 1975-76 fiscal year; providing for transportation facilities for the commission and for expenses of the commission.

Also:

By Mr. Crawford:

H. 1472. To further amend Section 5 of Act No. 21, H. 28, 1969 Extraordinary Session (Acts of 1969, p. 46; now appearing in Code of Alabama, Recompiled 1958, Title 51, Section 188 (5), as amended, entitled "An Act To raise revenue; to levy a privilege or license tax against certain persons and utilities on account of the furnishing of certain utility services; to prescribe the rates thereof and exclusions therefrom; to provide for issuance of a utility license; to provide the method of collecting such tax and the method of enforcing payment thereof; to provide for the disposition of the proceeds from the said tax; and to repeal all laws in conflict with this Act;" so as to exclude gross sales and gross receipts derived from electricity used or consumed in a process for the isotopic enrichment of uranium and certain other uses.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. B.'s 230 and 1472. To the Committee on Finance and Taxation

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Coburn, McNees, Carter, Starkey and Goodwin:

H. 662. To transfer the LaGrange Historical Site owned by the LaGrange Historical Commission of the State of Alabama to the Alabama Historical Commission.

Also:

By Messrs. Cooper, Mitchem, Warren, Dial, Barron, Wyatt, Lockett, Hines, Jackson (F), Pegues, Campbell, Smith (M), Venable, Morris, Plaster, Tucker, LeFlore, Kennedy, Malone, Harrison, Glass, Holmes, Manley, Drake, Merrill, Cross, Martin, Naramore, Moore (W), Carter, Gregg, Albright, McNees, Quarles, Holley, Kelley, Edwards, Shelton, Moore (O), Taylor and Rich:

H. 638. An act relating to the development of small businesses; declaring the legislative intent to encourage state purchases from small businesses; requiring the Alabama Development office to assist small businesses and to otherwise coordinate activities relating thereto; providing that a meaningful percentage of state purchases and contracts be procured from small businesses; providing for interagency cooperation; providing for public hearings; requiring an annual report; authorizing appointment of an advisory council; providing an effective date.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B. 662. To the Committee on Conservation

H. B. 638. To the Committee on State Government

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Barron, Holmes, Wyatt, Plaster and Harris:

H. 713. To create a board of trustees to manage, control and maintain Alabama State University; to prescribe the powers, duties, authority, and compensation of the board; to provide for the appointment and prescribe the terms of office of members thereof; to divest the State Board of Education of all jurisdiction, power and authority with respect to the supervision, management and control of said university; and to provide for the transfer from said state board of education to the board of trustees of Alabama State University all supplies, funds, books, documents, records and other property or effects of such university.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 713. To the Committee on Education.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 305. To amend Section 106 of Title 8, Code of Alabama 1940, as amended, pertaining to the penalty for killing domestic animals while hunting.

JOHN W. PEMBERTON,  
Clerk.

## INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows

By Messrs. Little and Torbert:

S. 1057. To permit banks now or hereafter situated in Chambers County within beats or precincts seven and thirteen to establish, maintain or operate branch banks and branch offices within limits of beats or precincts seven and thirteen in said county for the conduct of a general banking and trust business; and to repeal conflicting laws.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF CHAMBERS

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To permit banks now or hereafter situated in Chambers County within beats or precincts seven and thirteen to establish, maintain or operate branch banks and branch offices within limits of beats or precincts seven and thirteen in said county for the conduct of a general banking and trust business; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Any bank, whether incorporated or unincorporated, within this state, now or hereafter situated in Chambers County, and where the principal place of business of such bank is situated within the limits of beats or precincts seven and thirteen in said County, as such beats are now defined for the purpose of holding elections, shall have the power to establish, maintain, and operate within the limits of beats or precincts seven and thirteen in said county, one or more branches or branch banks, branch offices, branch agencies, additional offices, or branch places of business for the receipt of deposits, payment of checks, lending of money and the conduct of a general banking and trust business, provided that

such bank before the establishment of any such branch or branches, shall first secure the written consent thereto of the state superintendent of banks.

Section 2. The provisions of Code of Alabama 1940, Title 5, Section 125, which conflict with this Act are specifically repealed as to the county in which this Act applies, and all other laws, general or local in conflict herewith are also repealed as to such county.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### PROOF OF PUBLICATION

#### STATE OF ALABAMA COUNTY OF CHAMBERS

Before me, the undersigned authority in and for said County in said State, this day personally appeared Mark T. Walls, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Valley Times News, a newspaper of general circulation published in Chambers County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on August 1, August 4, August 11, and August 18, all in the year 1975.

MARK T. WALLS,  
Publisher.

Sworn to and subscribed before me August 18, 1975.

BETTY V. SORRELL,  
Notary Public.

My Commission Expires July 5, 1976.

### RECESS

At 9:30 A.M., on motion of Mr. Fine, the Senate took a recess until 2 o'clock this afternoon in order that members could attend the funeral of the father of Senator Perry.

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### AFTERNOON SESSION TWENTY-FOURTH LEGISLATIVE DAY TUESDAY, AUGUST 19, 1975

The Senate re-assembled at 2 o'clock P.M. and was called to order by Lieutenant Governor Beasley.

## ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Weaver, Wilson.

—33

UNFINISHED BUSINESS  
BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

H. 903. To amend Sections 1 and 8 of Act No. 999, H. 288 Regular Session 1969 (Acts 1969, p. 1855-1866, now appearing in Code of Alabama Recompiled 1958, Title 55, Section 475, (37-56), as last amended; to provide further for the Alabama Peace Officers Annuity and Benefits Fund; to redefine certain words and terms; to revise eligibility requirements and retirement benefits.

And said Bill, H. B. 903, was read a third time at length and passed.

Yeas 26; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Givhan, Jones, King, Little, McDonald (A), McMillan, Mims, Noonan, Pearson, Perloff, Roberts, St. John, Shelby, Torbert, Vacca, Weaver, Wilson.

—26

*Nays:*

—0

## SPECIAL ORDER

The Senate proceeded to consideration of the special, paramount and continuing order of business for today, the first of which was the Bill:

H. 1157. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory, owned by the city and commonly referred to as Lagoon Park, all of which is located in Montgomery County, Alabama.

And said Bill, H. B. 1157, was then read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Givhan, Jones, Little, Littleton, McDonald (A), Mims, Mitchell, Owen, Pearson, Perloff, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Weaver, Wilson.

—25

*Nays:*

—0

The Bill:

S. 479. To limit the offering of college courses by a public supported institution of higher education within a radius of twenty-five miles from the campus of another state supported university, without the approval of the Board of Trustees of that university.

was taken up.

Mr. Perloff offered the following amendment to the Bill, S. B. 479, to-wit:

#### AMENDMENT TO S. B. 479

Amend Senate Bill No. 479 by striking out Section 3 and substituting therefor the following:

“Section 3. This act shall become effective January 1, 1976.

Which was adopted.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca.

—30

*Nays:*

—0

Mr. King offered the following amendment to the Bill, S. B. 479, as amended, to-wit:

#### AMENDMENT TO SENATE BILL 479

Amend Senate Bill 479 by deleting the words “Board of Trustees of that University or Chief Executive Officer” wherever they appear and insert in lieu thereof the following:

“Alabama Commission on Higher Education.”

Which was adopted.

Yeas 19; Nays 5.

*Yeas:*

Messrs. Baker, Bank, Ellis, Flippo, Givhan, King, Little, McDonald (S), McMillan, Mitchell, Owen, Pearson, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

—19

*Nays:* Messrs. Adams, Edwards, Fine, Foshee, McDonald (A).

—5

And said Bill, S. B. 479, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.



Yeas 26; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Givhan, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Pearson, Perloff, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

—26

*Nays:*

—0

The Bill:

S. 797. To further amend and reenact Act No. 422, H. 325, 1951 Regular Session (Acts of 1951, p. 745), as amended, entitled "An Act To regulate through licensure the business, occupation, or calling of real estate brokers, and real estate salesmen: defining terms; creating the Alabama Real Estate Commission, and prescribing the jurisdiction, authority, powers and duties thereof; fixing the qualifications of real estate brokers and real estate salesmen and prescribing the procedure for obtaining a license to engage in such business, occupation, or calling, providing for the suspension or revocation of licenses issued; providing penalties for violations of this Act or rules, regulations, and orders issued under the authority thereof; making appropriations; and repealing conflicting laws".

was taken up.

Mr. Torbert offered the following amendment to the Bill, S. B. 797, to-wit:

#### AMENDMENT TO S. B. 797

Amend Senate Bill No. 797, Page 14, Line 17, by inserting the word "immediately" after the word "file".

Also, amend S. B. 797, page 14, line 19, by inserting after the word "agreement" the following: "for each piece of property offered for sale."

Also amend S. B. 797, page 14, line 21 by deleting the word "annually" after the word "commission."

Which was adopted.

Yeas 26; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Givhan, Jones, King, Little, McDonald (A), McMillan, Mitchell, Noonan, Owen, Pearson, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca.

—26

*Nays:*

—0

Mr. Clemon offered the following amendment to the Bill, S. B. 797, as amended, to-wit:

## AMENDMENT TO S. B. 797, AS AMENDED

Amend Senate Bill No. 797, Page 11, Line 15, by striking out all words and phrases after the words "Section 5"; and by further striking out all words and phrases in lines 16 and 17 on page 11 thereof.

On motion of Mr. Vacca, said amendment was laid on the table.

Yeas 12; Nays 11.

*Yeas:*

Messrs. Adams, Bank, Fine, Foshee, Gilmore, Givhan, Mitchell, Noonan, Powell, St. John, Shelby, Vacca.

— 12

*Nays:*

Messrs. Baker, Clemon, Edwards, Ellis, Flippo, Jones, King, McDonald (A), Pearson, Stewart, Weaver.

— 11

Mr. Jones offered the following amendment to the Bill, S. B. 797, as amended, to-wit:

## AMENDMENT TO S. B. 797, AS AMENDED

On page 17, lines 8-20, delete subsections (e) and (f).

Mr. Vacca moved that said amendment be laid on the table, which motion was lost.

Yeas 8; Nays 13.

*Yeas:*

Messrs. Adams, Bank, Little, Noonan, Powell, Shelby, Vacca, Weaver.

— 8

*Nays:*

Messrs. Baker, Clemon, Edwards, Fine, Flippo, Gilmore, Givhan, Jones, King, McDonald (S), Pearson, St. John, Stewart.

— 13

And said amendment was then adopted by the Senate.

Yeas 20; Nays 3.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Givhan, Jones, King, Little, McDonald (S), Noonan, Owen, Pearson, St. John, Shelby, Stewart, Torbert.

— 20

*Nays:* Messrs. Adams, Powell, Vacca.

— 3

Mr. Baker offered the following amendment to the Bill, S. B. 797, as amended, to-wit:

## AMENDMENT TO S. B. 797, AS AMENDED

Amend Senate Bill No. 797, Page 27, Line 6, by striking out the new provisions under Section 14 and by re-inserting Section 14. APPEAL as it presently exists in the law.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Givhan, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Powell, Roberts, St. John, Stewart, Torbert, Vacca, Weaver.

—25

*Nays:*

—0

Mr. Baker then offered the following amendment to the Bill S. B. 797, as amended, to-wit:

## AMENDMENT TO S. B. 797, AS AMENDED

On pages 4-5, strike Subsection 4(a) in its entirety and insert in lieu thereof the following:

(a) There is hereby created the Alabama Real Estate Commission. The Commission shall consist of five members appointed by the Governor with the advice and consent of the Senate. Appointments made at times when the Senate is not in Session shall be effective ad interim. Any appointment made by the Governor while the Senate is in Session must be submitted to the Senate not later than the third legislative day following the date of appointment; any appointment made while the Senate is not in session shall be submitted not later than the third legislative day following the reconvening of the legislature. Each appointee shall have been a resident and citizen of this state for at least ten years prior to his appointment and whose vocation for at least ten years shall have been that of a real estate broker or real estate salesman. No person convicted of a violation of Title 46, Sections 298 thru 311, Code of Alabama, 1940, or of this Act shall be eligible to serve. Not more than one member from any Congressional District shall be appointed to serve at the same time. The members of the Commission appointed under authority of Title 46, Section 300, Code of Alabama, 1940, and whose term does not expire prior to October 1, 1951, shall serve until their respective terms expire, and at the expiration of each term, the Governor shall appoint, subject to confirmation by the Senate as provided above, a member to fill the vacancy and such appointment shall be for a term of five years, or until their successor is appointed and qualifies. On October 1, 1951, the Governor shall appoint or reappoint one Commissioner for a period of three years, one Commissioner for a period of five years, all appointments expiring on September 30th of the respective years, or until their successors are appointed and qualify. Thereafter, any appointment shall be for a period of five years, or until such Commissioners' successor is appointed and qualified.

Which was adopted.

Yeas 19; Nays 1.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Flippo, Foshee, Givhan, Jones, King, McDonald (S), McMillan, Noonan, Pearson, St. John, Shelby, Stewart, Torbert, Vacca.

— 19

*Nay:* Mr. Mitchell

— 1

Mr. Baker then offered the following amendment to the Bill, S. B. 797, as amended, to-wit:

#### AMENDMENT TO S. B. 797, AS AMENDED

On page 13, line 13, delete the words "two (2) years continuously" and insert in lieu thereof the following:

one (1) year

Mr. Vacca moved that said amendment be laid on the table, which motion was lost.

Yeas 10; Nays 11.

*Yeas:*

Messrs. Bank, Foshee, Gilmore, Noonan, Powell, Roberts, Shelby, Vacca, Weaver, Wilson.

— 10

*Nays:*

Messrs. Baker, Edwards, Fine, Flippo, Jones, King, McDonald (A), Mitchell, Owen, St. John, Stewart.

— 11

And said amendment was then adopted by the Senate.

Yeas 19; Nays 4.

*Yeas:*

Messrs. Baker, Bank, Edwards, Fine, Flippo, Gilmore, Givhan, King, McDonald (S), McMillan, Mims, Mitchell, Perloff, Powell, St. John, Shelby, Stewart, Torbert, Weaver.

— 19

*Nays:* Messrs. Ellis, Noonan, Vacca, Wilson.

— 4

Mr. Baker then offered the following amendment to the Bill, S. B. 797, as amended, to-wit:

#### AMENDMENT TO S. B. 797, AS AMENDED

On pages 9-10, strike subsection 6. (a) in its entirety and insert in lieu thereof the following:

"(a) Every application for a real estate broker's license shall apply therefor in writing upon blanks prepared by the Commission. Along with the application, he shall submit proof satisfactory to the Commission that

he has been engaged full time as a real estate broker or salesman licensed by the State of Alabama or another state for a period of at least two years prior to the date of application; or proof that he shall have completed a course in real estate approved by the Commission. He shall also furnish evidence of a High School diploma or equivalent and such other data and information as the Commission may require.

On motion of Mr. Vacca, said amendment was laid on the table.

Yeas 12; Nays 11.

*Yeas:*

Messrs. Adams, Bank, Ellis, Foshee, Gilmore, McMillan, Mims, Noonan, Owen, St. John, Shelby, Vacca.

—12

*Nays:*

Messrs. Baker, Edwards, Fine, Flipppo, Jones, King, McDonald (S), Mitchell, Powell, Stewart, Torbert.

—11

Mr. Baker then offered the following amendment to the Bill, S. B. 797, as amended, to-wit:

#### AMENDMENT TO S. B. 797, AS AMENDED

On pages 27-29, delete Section 14 in its entirety and insert in lieu thereof the following:

“Section 14. Appeal.—Findings made by the commission are deemed conclusive, unless within thirty (30) days after notice of the decision of the commission has been given to an applicant or accused, said applicant or accused shall appeal said finding or ruling to the circuit court of the county of his residence. In the event of such an appeal the circuit court shall hear the same de novo. Such appeal shall be taken by the filing of notice of appeal with the clerk of the circuit court of the county to which the appeal is taken. Any party taking an appeal shall post a satisfactory bond in the amount of \$200.00 with the clerk of the circuit court with at least one solvent surety, conditioned to prosecute such appeal to effect and upon failure to do so, to pay all costs and damages which may be adjudged against said party by the circuit court on such appeal. The clerk of the circuit court shall notify the director and executive secretary of the commission of the appeal after the clerk has approved appellant's bond and the director and executive secretary of the commission shall forthwith forward to the clerk of the circuit court the charge against the applicant or licensee and the findings or rulings of the commission. Such applicant or licensee shall have the right to demand trial by jury. Such demand shall be made at the time of the filing of the appeal with the clerk. The action of the commission shall be stayed pending such appeal. In the event an appeal is taken by applicant or accused such an appeal shall act as a supersedeas and the court shall dispose of said appeal and enter its decision promptly. The court shall have the right to affirm, reverse or affirm in part, or reverse in part the findings of the commission and shall render such final judgment as to the court may seem just and proper.

“In the event the decision of the commission is affirmed, in whole or in part, the cost of such appeal shall be taxed against the party taking such

appeal. In the event the decision of the commission is not affirmed, the court shall tax such costs of appeal against the commission."

Which was adopted.

Yeas 17; Nays 1.

*Yeas:*

Messrs. Adams, Bank, Edwards, Fine, Flippo, Foshee, Jones, Little, McDonald (S), Mitchell, Noonan, Owen, St. John, Shelby, Stewart, Vacca, Weaver.

—17

*Nay:* Mr. Powell

—1

Mr. Baker then offered the following amendment to the Bill, S. B. 797, as amended, to-wit:

#### AMENDMENT TO S. B. 797, AS AMENDED

On page 31, delete Section 20 in its entirety and renumber the remaining sections.

Mr. Vacca moved that said amendment be laid on the table, which motion was lost.

Yeas 12; Nays 13.

*Yeas:*

Messrs. Adams, Foshee, Gilmore, Mims, Noonan, Owen, Pearson, Perloff, St. John, Shelby, Torbert, Vacca.

—12

*Nays:*

Messrs. Baker, Clemon, Fine, Flippo, Givhan, Jones, King, McDonald (A), McDonald (S), McMillan, Mitchell, Stewart, Wilson.

—13

And said amendment was then adopted by the Senate.

Yeas 15; Nays 6.

*Yeas:*

Messrs. Baker, Edwards, Fine, Flippo, Gilmore, Jones, King, McDonald (A), McMillan, Mitchell, Owen, St. John, Stewart, Torbert, Weaver.

—15

*Nays:*

Messrs. Bank, Mims, Noonan, Perloff, Vacca, Wilson.

—6

And said Bill, S. B. 797, as thus amended, was then read a third time at length and passed.

Yeas 25; Nays 1.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Weaver.

— 25

*Nay:* Mr. Baker.

— 1

## RESOLUTIONS

Mr. Jones offered the following Senate Joint Resolution, to-wit:

**S. J. R. 91. CREATING A SELECT JOINT INTERIM COMMITTEE TO STUDY GRANTS RECEIVED BY THE VARIOUS STATE DEPARTMENTS AND AGENCIES.**

WHEREAS the various agencies and departments of state government receive grants totalling millions of dollars each year; and

WHEREAS the legislature needs a committee to study the handling and utilization of such grants; now therefore

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That there is hereby created a joint select interim committee to be composed of three members of the house and three members of the senate to be appointed by the presiding officer of each house. The members of the committee shall select from among their membership a chairman and a vice-chairman. The committee shall study all facets of grants of any kind whatsoever to state agencies and departments with particular attention as to the utilization and budgeting of such grants.

Upon the request of the chairman, the secretary of the senate and the clerk of the house shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the tenth legislative day of the 1976 regular session, whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee, which shall be paid out of any funds appropriated to the use of the legislature, on warrants drawn on the state comptroller upon requisitions signed by the committee's chairman.

Which was read and referred to the Standing Committee on Rules.

Messrs. Flippo, Pearson, Ellis, Mims and Fine offered the following Senate Joint Resolution, to-wit:

**S. J. R. 92. TO DESIGNATE HIGHWAY 72 FROM I-65 TO THE ENTRANCE OF WHEELER STATE PARK THE "JOE WHEELER STATE PARKWAY."**

WHEREAS the Joe Wheeler State Park is one of the most scenic places on the Tennessee River; and

WHEREAS thousands of Alabamians and out-of-state visitors enjoy the facilities at Joe Wheeler State Park; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that Highway 72 from I-65 to the entrance of Joe Wheeler State Park shall be designated the "Joe Wheeler State Parkway"; and the State Highway Department in cooperation with the Federal Bureau of Roads shall cause appropriate markers to be erected to so designate said highway.

On motion of Mr. Flippo, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Torbert offered the following Senate Joint Resolution, to-wit:

S. J. R. 93. RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That the time limit for filing the report which created the Long-Range Highway Development Study Committee, created by H. J. R. 40, Regular Session, 1975, be and it is hereby extended from the 24th Legislative Day to the 30th Legislative Day, Regular Session, 1975.

On motion of Mr. Torbert, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Mitchell offered the following Senate Joint Resolution, to-wit:

S. J. R. 94. LAMENTING THE ATTEMPTED ASSASSINATION OF JUDGE ARTHUR GAMBLE, JR.

WHEREAS, the Alabama legislature has noted with a deep sense of regret and outrage the senseless assassination attempt, which occurred on August 15, 1975, of our able and esteemed friend, the former Senator, The Honorable Arthur Gamble, Jr.;

WHEREAS, Arthur Gamble Jr. began the practice of law in 1949 at Greenville, Alabama, his home, and has distinguished himself as a dedicated citizen, lawyer, State Senator, district attorney and jurist; and

WHEREAS, Judge Gamble's dedication, justice, fairness, and honesty as Circuit Judge of Butler County since 1969 have earned him the respect and admiration of all who know him.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do profoundly regret with outrage the atrocious act which resulted in the serious injuries causing the hospitalization of The Honorable Arthur Gamble, Jr., and extend to him our every best wish for his speedy and complete recovery.

BE IT FURTHER RESOLVED, That we urge anyone having any knowledge or information which might lead to the conviction of the perpetrator or perpetrators of this heinous crime to come forward and give this information to the district attorney, and in an attempt to deter such deplorable conduct, concurrently with this Resolution there is being introduced in this body legislation authorizing a reward of up to \$10,000.00 to the person giving information leading to arrest and conviction in cases of a heinous nature, including attempted assassination of members of the judiciary.

BE IT RESOLVED FURTHER, That a copy of this Resolution be sent to The Honorable Arthur Gamble, Jr.



On motion of Mr. Mitchell, the Rules were suspended and the Resolution was adopted by the Senate.

### INTRODUCTION OF BILLS RESUMED

By Messrs. Mitchell, Powell, Fine, Foshee, Shelby, Bank, Stewart, King, Flippo, McDonald (S), Mims, Little, Roberts, Noonan, Givhan, Ellis, McMillan, Adams, Pearson, Torbert, McDonald (A), Weaver, Clemon and Baker:

S. 1058. To amend Title 15, Section 44, Code of Alabama, to provide that in cases involving the murder, attempted murder, assassination or attempted assassination of any member of the judiciary, state or other public official, or of any law enforcement officer the governor is authorized to increase the reward for information leading to the arrest of the felon up to \$10,000.00; effective retroactively.

Committee on Finance and Taxation.

By Mr. Baker:

S. 1059. To amend the provisions of Act No. 763, H. 286, 1973 Regular Session, approved September 5, 1973, which provided a \$5.00 per day subsistence allowance for certain law enforcement officers, so as to extend the provisions of said Act to state law enforcement officers employed by the Revenue department, Public Service Commission, Industrial Relations Department, Health Department and Insurance Department.

Committee on Finance and Taxation.

By Mr. Foshee:

S. 1060. To create the Scholarship and Loan Commission of Covington County for the purpose of providing loans and scholarships to persons who plan a career in medicine, and to establish a fund for the fulfillment of the purpose of this Act.

Committee on Education.

By Mr. Foshee:

S. 1061. To authorize the county governing bodies of the State of Alabama to create scholarship and loan commissions of the various counties for the purpose of providing loans and scholarships for persons who plan a career in medicine, and to establish a fund for the fulfillment of the purpose of this Act.

Committee on Education.

By Mr. Foshee:

S. 1062. To amend Act No. 278, First Special Session 1965, to prohibit a recipient of a medical scholarship from avoiding the statutorily imposed obligation to practice medicine in a locality which is in need of a physician by repaying the amount of the scholarship.

Committee on Finance and Taxation.

By Messrs. Baker, Mims and Mitchell:

S. 1063. To define the crime of assassination; to name the punishment; and to define "public official."

Committee on Judiciary.

By Messrs. Noonan, Perloff and Roberts:

S. 1064. Relating to counties having populations of not less than 300,000 nor more than 600,000 inhabitants according to the most recent federal decennial census; providing that one-half of all sums collected for fines and forfeitures in such counties be retained by the county and deposited into the treasury of such counties.

Committee on Local Legislation No. 1.

By Mr. Mims:

S. 1065. To regulate further the Aid to Dependent Children program; to authorize and empower the Department of Pensions and Security to operate child support programs, locate absent parents, establish paternity, enforce child support obligations, to intervene and appear in judicial proceedings on behalf of any child for such purposes, and to collect and distribute support payments, all in the manner prescribed by the Social Security Act, as amended, in order to obtain maximum benefits under the Social Security Act, as amended; and to prescribe penalties.

Committee on Health and Welfare.

By Mr. Fine:

S. 1066. To authorize the Register of the Circuit Court in all counties having populations of not less than 23,900 nor more than 24,450 to hire a clerical assistant, to set the compensation of such assistant, and to provide that the salary of such assistant be paid from the general funds of such counties.

Committee on Local Legislation No. 1.

By Mr. Gilmore:

S. 1067. Relating to all counties having populations of not less than 36,500 nor greater than 39,200 according to the most recent federal decennial census; to authorize branch banks in any such city or town located wholly or partly in such county having not less than 1,200 inhabitants according to the last or any subsequent federal decennial census, provided such bank shall have been in existence, operation or under construction in any such county prior to January 1, 1975; to deem authorized any such branch banks at the time established; and to ratify and confirm any action taken by such branch banks prior to passage of this bill.

Committee on Local Legislation No. 1.

By Messrs. Ellis, Pearson, Gilmore, McMillan, Wilson, Vacca and Clemon:

S. 1068. To amend Section 68 of Title 52 of the 1940 Code of Alabama relating to compensation of members of the County Board of Education and to fix the compensation of members of the County Board of

Education in all counties having a population of 600,000 persons or more according to the last or any succeeding federal census.

Committee on Local Legislation No. 2.

By Mr. Fine:

S. 1069. To provide further for the designation of emergency interim successors under the "Emergency Interim Succession Act" of 1961, establishing a priority of succession and a scale of compensation based upon experienced and age of those designated.

Committee on State Government.

By Mr. Wilson:

S. 1070. Relating to the 14th Judicial Circuit; to provide for an additional Circuit Judge in such Circuit; defining his jurisdiction, powers, rights and authority; his qualifications and duties; to set his compensation and providing for the appointment of a bailiff and court reporter.

Committee on Finance and Taxation.

By Mr. Owen:

S. 1071. Relating to Washington County; providing for the election of the county commission by the county at large; and providing for the residence of the commissioners from districts defined herein.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

### LEGAL NOTICE

#### A BILL TO BE ENTITLED AN ACT

Relating to Washington County; providing for the election of the county commission by the county at large; and providing for the residence of the commissioners from districts defined herein.

Be It Enacted by the Legislature of Alabama:

Section 1. After the effective date of this Act, the several members of the county commission or other like governing body of Washington County shall be nominated and elected by the qualified electors of the county at large. A member shall be elected for each district defined herein and he shall be a resident and elector of the district for which he is elected. The members of the county commission or other like governing body of the county shall be elected at the time, in the manner, and for the terms provided by law, except as otherwise herein provided, the members from districts 1 and 3 being elected pursuant to this Act in 1976 and every four years thereafter and the members from districts 2 and 4 being so elected in 1978 and every four years thereafter.

Section 2. Commissioner District One is described as follows:

Begin at the Northwest corner of Section 34, Township 6 North, Range 2 West; thence, Southerly along the Section lines to the Southwest

corner of Section 10, Township 2 North, Range 2 West on the boundary between Washington County, Alabama and Mobile County, Alabama; thence Easterly, Northeasterly and Southeasterly along said boundary between Washington and Mobile Counties to its intersection with the main channel of the Tombigbee River, which is also the boundary of Washington County, Alabama and Baldwin County, Alabama; thence generally Easterly and Northerly along said boundary between Washington and Baldwin Counties to its intersection with the boundary between Washington County, Alabama and Clarke County, Alabama at a point in the main channel of the Tombigbee River on the East line of Section 57, Township 3 North, Range 1 East; thence, generally Northerly along the main channel of the Tombigbee River, which is also the boundary between Washington and Clarke Counties, following its meanderings, to its intersection with the North line of Section 20, Township 4 North, Range 1 East at the Northeast corner of said Section 20; thence, Westerly along the North line of said Section 20 to its intersection with the East line of Section 19, Township 4 North, Range 1 East; thence Northerly along the East line of said Section 19 to the Northeast corner of said Section; thence, Westerly along the North line of said Section 19 to the Northwest corner of said Section; thence, Southerly along the West line of said Section 19 to its intersection with the North line of Section 22, Township 4 North, Range 1 East; thence, Westerly along the Section lines to the intersection with the North line of Section 13, Township 4 North, Range 1 East with the main channel of Lewis Creek; thence, generally Westerly, Northwesterly, Southwesterly and Westerly along the main channel of Lewis Creek following its meandering, to the intersection of said main channel with the West line of Section 10, Township 4 North, Range 1 West; thence Northerly along the Section lines to the Northeast corner of Section 33, Township 6 North, Range 1 West; thence, Westerly along the Section lines to the Northwest corner of Section 34, Township 6 North, Range 2 West which is the point of beginning.

Commissioner District Two is described as follows:

Begin at the Northwest corner of Section 6, Township 8 North, Range 2 West on the boundary between Washington County, Alabama and Choctaw County, Alabama; thence Southerly along the Section lines to the Southwest-corner of Section 30, Township 6 North, Range 2 West; thence Easterly along the Section lines to the Northwest corner of Section 34, Township 6 North, Range 1 West; thence Southerly along the Section lines to the intersection of the West line of Section 10, Township 4 North, Range 1 West with the main channel of Lewis Creek; thence generally Easterly, Northeasterly, Southeasterly and Easterly following the meandering of the main channel of Lewis Creek to its intersection with the South line of Section 5, Township 4 North, Range 1 East; thence, Easterly along the Section lines to the intersection of the South line of Section 1, Township 4 North, Range 1 East with the West line of Section 19, Township 4 North, Range 1 East; thence Northerly along the West line of said Section 19 to the Northwest corner of said Section; thence Easterly along the North line of said Section 19 to the Northeast corner of said Section; thence Southerly along the East line of said Section 19 to its intersection with the South line of Section 1, Township 4 North, Range 1 East; thence, Easterly along the South line of said Section 1 to its intersection with the main channel of the Tombigbee River on the boundary between Washington County, Alabama and Clarke County, Alabama; thence generally Northwesterly along the boundary between Washington and Clarke Counties (which is also the main channel of the Tombigbee River) following

its meandering to its intersection with the North line of Section 5, Township 8 North, Range 1 West to the boundary between Washington County, Alabama and Choctaw County, Alabama; thence Westerly along the boundary between Washington and Choctaw Counties to the Northwest corner of Section 6, Township 8 North, Range 2 West which is the point of beginning.

Commissioner District Three is described as follows:

Begin at the Northwest corner of Section 2, Township 8 North, Range 5 West, on the boundary between Washington County, Alabama and Wayne County, Mississippi; thence Southerly along said boundary between Washington and Wayne counties to the Southwest corner of Section 36, Township 6 North, Range 5 West; thence, Easterly along the Section lines to the Southeast line of Section 36, Township 6 North, Range 4 West; thence, Northerly along the East line of said Section 36 to the Northeast corner of said Section; thence, Easterly along the Section lines to the Southeast corner of Section 28, Township 6 North, Range 3 West; thence, Northerly along the Section lines to the Northeast corner of Section 16, Township 6 North, Range 3 West; thence, Easterly along the Section lines to the Southeast corner of Section 12, Township 6 North, Range 3 West; thence, Northerly along the Section lines to the Northeast corner of Section 1, Township 8 North, Range 3 West on the boundary between Washington County, Alabama and Choctaw County, Alabama; thence, Westerly along the boundary between Washington and Choctaw Counties to the Northwest line of Section 2, Township 8 North, Range 5 West on the boundary between Washington County, Alabama and Wayne County, Mississippi which is the point of beginning.

Commissioner District Four is described as follows:

Begin at the Northwest corner of Section 1, Township 5 North, Range 5 West on the boundary between Washington County, Alabama and Greene County, Mississippi; thence, Southerly along said boundary between Washington and Greene Counties to the Southwest corner of Section 19, Township 2 North, Range 4 West on the boundary between Washington County, Alabama and Mobile County, Alabama; thence, Easterly along said boundary between Washington and Mobile Counties to the Southeast corner of Section 24, Township 2 North, Range 4 West; thence, Northerly along said boundary between Washington and Mobile Counties to the Southwest corner of Section 7, Township 2 North, Range 3 West; thence, Easterly along said boundary between Washington and Mobile Counties to the Southeast corner of Section 9, Township 2 North, Range 2 West; thence, Northerly along the Section lines to the Northeast corner of Section 33, Township 6 North, Range 2 West; thence, Westerly along the Section lines to the Northeast corner of Section 36, Township 6 North, Range 3 West; thence, Northerly along the Section lines to the Northeast corner of Section 13, Township 6 North, Range 3 West; thence, Westerly along the Section lines to the Northwest corner of Section 15, Township 6 North, Range 3 West; thence, Southerly along the Section lines to the Northeast corner of Section 33, Township 6 North, Range 3 West; thence, Westerly along the Section lines to the Northwest corner of Section 31, Township 6 North, Range 3 West; thence, Southerly along the West line of said Section 31 to the Southwest corner of said Section; thence, Westerly along the Section lines to the Northwest corner of Section 1, Township 5 North, Range 5 West on the boundary between Washington County, Alabama and Greene County, Mississippi, which is the point of beginning.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF WASHINGTON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Dalton Jackson, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Call-News Dispatch, a newspaper of general circulation published in Washington County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 3, July 10, July 17, and July 24, all in the year 1975.

DALTON JACKSON.

Sworn to and subscribed before me Aug., 18, 1975.

ANNETTE R. BAXTER,  
Notary Public.

By Messrs. Little, Foshee, Flippo, Torbert, Fine, Mims, Owen, Jones, Mitchell, Littleton, McDonald (A), Bank and McMillan:

S. 1072. To provide for the partial participation of employees of the Cooperative Extension Service of Auburn University under Federal appointment in the Employees' Retirement System.

Committee on Finance and Taxation.

By Mr. Flippo:

S. 1073. Concerning the licensing, regulation, and inspection of employment agencies as herein defined; providing for the enforcement of these regulations by the Department of Industrial Relations providing penalties for the violation thereof, and repealing all existing laws in conflict herewith.

Committee on Commerce, Transportation, and Utilities.

By Mr. Wilson:

S. 1074. To provide for a comprehensive program for occupational safety and health within the State Department of Labor; to declare the need for and purposes of this act, and to define terms; to provide for the organizational structure of such program and for its administration and procedure; to authorize the Director of the State Labor Department to establish standards and promulgate rules and regulations for safe and

healthful employment, including the incorporation by reference of federal safety standards and rules and regulations, and to provide for the enforcement thereof; to prescribe penalties for violations; to authorize said director to employ additional personnel, to appoint advisory committees and to enter into certain contracts and agreements for the purposes of this act; to create the Alabama Safety and Health Appeal Commission and for the manner of appointment and the terms, duties and compensation of its members; to provide for appeals from the Commission's rulings; to appropriate funds; and to provide that this act may be cited as the "Alabama Occupational Safety and Health Act."

Committee on Business and Labor Relations.

By Mr. Wilson:

S. 1075. To amend Sections 1, 2, 3, 4, 5, 6, 13, 13-1/2, 14, 15, 16, 18, 19, 20, 24, 25, 28, 29, 33, 35, 39, 41, 42, 44, 49, 50, 52, 55, 57, 62, 69, 72, 73, 74, 75, 76, 78, 79, 80, 81, 82, 83, 84, 85, 87, 89, 90, 92, 93 and 106 of Act No. 207, S. 134, Regular Session 1949 (Acts 1949, p. 242), as amended, the Act known as the Alabama Coal Mine Safety Law of 1949", so as to further provide for the health and safety of persons engaged in the mining of coal; for the qualifications and duties of mine inspectors; for the regulation and inspection of underground coal mines in accordance with modern mining practices; for equipment and ventilation standards in order to promote health and safety; for the safe design, maintenance and use of mechanical and electrical equipment; for required first aid and safety equipment; for the establishment of operating procedures to promote mining health and safety.

Committee on Business and Labor Relations.

By Messrs. Little and Torbert:

S. 1076. To provide for purging the lists of registered voters in Beat Seven in Chambers County; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, the judge of probate, and the county commission relative to the re-identification of registered voters; and providing a penalty for making a false statement in connection with re-identification.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

#### LEGAL NOTICE

#### A BILL TO BE ENTITLED AN ACT

To provide for purging the lists of registered voters in Beat Seven in chambers County; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, the judge of probate, and the county commission relative to the re-indentification of registered voters; and providing a penalty for making a false statement in connection with re-identification.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of registrars of Chambers County is hereby directed to purge all lists of the qualified electors in Beat Seven of that county to the end that the names of all persons who are deceased or non-residents of said beat, or have otherwise become disqualified from voting in said beat, shall be removed from such lists, and that the name of each qualified elector in Beat Seven shall appear only on the list of qualified electors Beat Seven.

Section 2. The board of registrars shall omit and remove from the lists of qualified electors of Beat Seven the name of any person who fails to re-identify himself, in the manner herein prescribed, before the 30 day of Nov. 1975. No person whose name is removed from the list of qualified electors as herein provided shall cease permanently to be a qualified elector nor be subject to re-registration, but shall be subject only to the requirement that he re-identify himself as a duly registered elector before being listed on the list of qualified electors of the beat, and before entitled to vote.

Section 3. The board shall give at least ten days notice, by advertisement in a newspaper published in the county, of the time when, and the place in the beat where they will attend for the purpose of enabling voters to appear and re-identify themselves.

Section 4. The voter may re-identify himself by appearing in person before the board of registrars in the beat or by appearing before the judge of probate, or either of the clerks in the office of the judge of probate, or before the board of registrars in regular session, and answering such questions and submitting such proof under oath, as the board may require in order to establish the voter's identity, place of legal residence, and the fact that the voter has not become disqualified from voting in Beat Seven.

Section 5. The board of registrars shall meet on the 15 in Dec. 1975, for the purpose of purging the registration lists and the names of all persons who have failed to appear and re-identify themselves in the manner herein prescribed shall be stricken from the lists, provided, however, that said board shall not strike the name of any person, or of the spouse of any person, known by any member of said board, or made known to the said board by the written affidavit of another qualified elector, to be in active duty of any of the armed forces of the United States of America, and to be stationed, or to be living with her or his spouse, as the case may be, outside Chambers County, Alabama, during the period of time from the effective date hereof to Dec. 15, 1975.

Section 6. Any qualified elector of Beat Seven who shall have his name omitted or removed from the list of qualified electors in the beat by failure to appear and re-identify himself as herein provided shall be entitled to have his name restored to the list of qualified electors by appearing in person at the office of the board of registrars, or at the office of the judge of probate and answering such questions and submitting such proof, under oath, as the board may require to establish the voter's identity, place of legal residence, and the fact that the voter has not become disqualified from voting in the beat. Provided, however, every qualified elector must have re-identified himself at least 10 days prior to the election at which he offers to vote; provided further, however, that this act shall not be construed or applied to impair or deny the right to vote in person or by absentee ballot of any person or of the spouse of any person, now a qualified elector of said county, who is in active duty of any of the armed forces of the United States of America and stationed, and, as to the spouse,



who is living with her or his husband or wife as the case may be, outside of Chambers County, Alabama, during the period of time from the effective date hereof to December 15, 1975.

Section 7. The County Commission of Chambers County is hereby authorized, directed, and required to furnish the board of registrars with the supplies, equipment, printed forms, stationery and newspaper advertisements necessary for the re-identification of voters as herein provided.

Section 8. The questionnaire to re-identify a voter shall be in substantially the following form:

### VOTERS REIDENTIFICATION QUESTIONNAIRE

Chambers County, Alabama

Date \_\_\_\_\_ 197\_\_\_\_\_

Name \_\_\_\_\_

First

Middle

Last

Legal Residence Address \_\_\_\_\_  
Street

City or Town \_\_\_\_\_

State \_\_\_\_\_

I am a legal resident of the City of Lanett. Yes \_\_\_\_\_ No \_\_\_\_\_

Date of Birth \_\_\_\_\_ Sex \_\_\_\_\_

I now vote and I am a qualified elector in Beat Seven, Box No. \_\_\_\_\_, Chambers County, and I have not been disqualified from voting in such beat. I am not a qualified voter in any other beat nor county in the State of Alabama or in any other State in the United States.

I have resided in Precinct or Beat No. \_\_\_\_\_ for the past \_\_\_\_\_ months.

Signed \_\_\_\_\_  
Signature of Voter

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_  
19\_\_\_\_\_.

Registrar—Judge of Probate

Section 9. Any person who willfully makes a false statement to the board of registrars, or any duly authorized person, in re-identifying himself as a qualified elector in the manner provided herein shall be guilty of perjury, and upon conviction thereof shall be punished by imprisonment in the penitentiary for not less than one nor more than five years.

### PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF CHAMBERS

Before me, the undersigned authority in and for said County in said State, this day personally appeared Mark T. Walls, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Valley Times News, a newspaper of general circulation published in Chambers County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 24, July 31, August 7, and August 11, all in the year 1975.

MARK T. WALLS,  
Publisher.

Sworn to and subscribed before me August 14, 1975.

BETTY V. SORRELL,  
Notary Public.

My Commission Expires July 5, 1976.

By Messrs. Little and Torbert:

S. 1077. To provide for the election of members of the county board of education of Chambers County, Alabama; to define the school districts from which the members of the county board of education are elected.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To provide for the election of members of the county board of education of Chambers County, Alabama; to define the school districts from which the members of the county board of education are elected.

Be It Enacted by the Legislature of Alabama:

Section 1. For the purposes of this act and for future election of members to the county board of education of Chambers County, said county is hereby divided into two districts, to be numbered one and two. District 1 shall be composed of Beats 7 and 13 less the city of Lanett.

District 1 shall have three (3) places on the board of education. The three places shall be designated as Place 1, Place 2, and Place 3 and a member shall be elected to each place. District 2 shall be the remainder of the county. It shall have two (2) places on the board of education which shall be designated Place 4 and Place 5 and a member shall be elected to each place.

Section 2. After this act takes effect, a member of the board of education of Chambers County shall be nominated and elected for each of the places of the two school districts of the county, by the qualified electors of the county at large, at the next regular election held in the county. At said general election members shall be elected as follows: A member for Place 1, District 1 and a member for Place 4, District 2 shall be elected for a term of two years; a member for Place 2, District 1 and a member for Place 5, District 2 shall be elected for a term of four years; and a member for

Place 3, District 1 shall be elected for a six year term. Upon the expiration of the terms of office of members elected in said general election as provided by this section, the term of their successors shall be six years as provided by the laws of this state for school board members.

Section 3. Members of the school board elected under the provisions of Section 2 of this act shall take office at the first meeting of the Chambers County Board of Education following their election.

Section 4. Members of the school board who are presently serving shall remain in office until their successors are elected and qualified as provided in Section 2 of this act.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF CHAMBERS

Before me, the undersigned authority in and for said County in said State, this day personally appeared Mark T. Walls, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Valley Times News, a newspaper of general circulation published in Chambers County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 8, July 15, July 22, and July 29, all in the year 1975.

MARK T. WALLS,  
Publisher.

Sworn to and subscribed before me August 15, 1975.

BETTY V. SORRELL,  
Notary Public.

My Commission expires July 5, 1976.

By Messrs. Stewart and Foshee:

S. 1078. Relating to the powers and duties of the public service commission; prescribing procedures for changing certain electric utility rates and other charges; requiring electric utilities to file with such commission monthly reports as to coal purchases, disclosure of affiliations with or of such electric utilities and certain other information; specifying the contents of such reports; relating to the commission's duties with respect to coal purchases, and authorizing release of such reports to the public; authorizing the commission to obtain certain information outside the state in certain instances; requiring the commission, in certain cases, to hold a full public hearing before allowing an electric utility to increase, directly or indirectly, the price charged for electricity due to certain increased fuel costs; limiting the application of such requirement to the happening of certain contingencies; authorizing the commission to permit

such increases in the cost of electric energy because of an increase in the fuel costs only after making a written determination that such increases are fair, just and reasonable and reflect certain good faith management and certain sound business policy decisions; limiting such increases in certain instances; permitting certain requested increases to go into effect under bond pending a certain hearing and decision; giving certain criteria and rules which the commission must apply in determining whether certain requested increases in allowable fuel costs are fair, just and reasonable; providing for a certain notice of hearing to the general public; defining certain terms requiring the commission to conduct annual audits of such utilities and to obtain and use certain information on fuel and fuel costs and repealing all conflicting statutes.

Committee on Commerce, Transportation, and Utilities.

By Messrs. Pearson and Clemon:

S. 1079. To appropriate the sum of Fifty Thousand Dollars from the General Fund to the State Highway Department for the placing of road signs related to Alabama's State Parks.

Committee on Finance and Taxation.

By Messrs. Flippo and Owen:

S. 1080. To amend Section 1 of Act No. 2, H. 47, Regular Session 1945 (Acts 1945, p. 20) by amending the definition of the words "oil" and "gas" as contained therein.

Committee on Finance and Taxation.

By Mr. McMillan:

S. 1081. To amend the Code of Alabama 1940, Title 29, Section 157, which section prohibits the delivery into this state of certain prohibited liquors, so as to allow individual international travelers to enter the state with the same amount of tax free liquor as is permitted by federal customs laws.

Committee on Finance and Taxation.

By Mr. McMillan:

S. 1082. To amend Section 1 of Act No. 58, S. 13, 2nd Special Session, 1975 (approved March 10, 1975) to provide credit toward service of inmate's sentence for any days spent in custody in connection with the offense for which the sentence was imposed.

Committee on Judiciary.

## BILLS ON THIRD READING RESUMED

The Bill:

S. 933. To amend Sections 15, as amended, 16 and 26 of Act No. 1049, S. 8, Legislature of 1969 (Regular Session), approved September 12, 1969 (Acts of 1969, Vol. III, pp. 1939-1965), an Act to provide for the mandatory inspection of the slaughter of cattle, sheep, swine, goats and equines, and poultry, and the preparation of carcasses, parts thereof, meat and meat food products of such animals, etc.; amend Sections 15 and 16 of said Act No. 1049 which relate to exemptions from the provisions of said

Act by rules and regulations, and amend Section 26 of said Act No. 1049 which relates to enforcement of said Act by injunctive proceedings.

was taken up.

Mr. Mims offered the following amendment to the Bill, S. B. 933, to-wit:

#### AMENDMENT TO S. B. 933

Amend Senate Bill No. 933, Page 3, Line 35, by striking out "in equity" after the word Bills.

And further by striking out the sentence on page 4 beginning with word "Any" and ending with word "bond," on lines 5 and 6 respectively.

Which was adopted.

Yeas 27; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Givhan, Jones, King, Little, McDonaldd (A), McMillan, Mims, Mitchell, Noonan, Owen, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Weaver.

—27

*Nays:*

—0

And said Bill, S. B. 933, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Weaver.

—27

*Nays:*

—0

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 14. To amend further Code of Alabama 1940, Title 42, Section 12, as amended, so as to allow a delinquent parolee to receive credit toward fulfillment of the execution of his sentence to imprisonment for the time spent in prison after the date of his arrest as a delinquent parolee.

Also:

H. 1157. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain

additional territory, owned by the city and commonly referred to as Lagoon Park, all of which is located in Montgomery County, Alabama.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 214. COMMENDING MRS. J. J. SAMPLEY.

Also:

H. J. R. 215. COMMENDING THE REVEREND MARION NEWMAN.

Also:

H. J. R. 216. COMMENDING THE PHENIX CITIZEN FOR WINNING STATE AWARDS IN THE RECENT "BETTER NEWSPAPER CONTEST."

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 75. To create the Office of Prosecution Services, to provide for the appointment of an Executive Director and his staff; and to provide for the duties of the office and the salary of officials and employees.

was taken up.

The Standing Committee on Judiciary reported the following substitute for the Bill, S. B. 75, to-wit:

### COMMITTEE SUBSTITUTE FOR S. B. 75

A BILL  
TO BE ENTITLED  
AN ACT

To create the Office of Prosecution Services, to provide for the appointment of an Executive Director and his staff; and to provide for the duties of the office and the salary of such Director and employees.

Be It Enacted by the Legislature of Alabama:

Section 1. The Office of Prosecution Services is hereby established. It shall be the purpose of the Office of Prosecution Services to assist the prosecuting attorneys throughout the State in their efforts against criminal activity in the State. Such assistance may include:

(a) The obtaining, preparation, supplementing and dissemination of indexes to and digests of the decisions of the Supreme Court and the Court of Appeals of Alabama and other courts, statutes, and other legal authorities relating to criminal matters;

(b) The preparation and distribution of model indictments, search warrants, interrogation advices, and other common and appropriate documents employed in the administration of criminal justice at the trial level;

(c) The preparation and distribution of a basic prosecutor's manual, and other educational materials;

(d) The promotion of and assistance in the training of prosecuting attorneys;

(e) The provision of legal research assistance to prosecuting attorneys;

(f) The provision of such assistance to law enforcement agencies as may be lawful; and,

(g) The provision of such other assistance to prosecuting attorneys which is necessary for the successful implementation of this Act or which hereinafter may be authorized by law.

Section 2. There shall be an Executive Director of the Office of Prosecution Services and whatever staff is necessary to carry out the purpose of this office. Such Director and employees shall not be subject to the provisions of the State Merit System Act or eligible for state retirement benefits.

Section 3. The Executive Committee of the Alabama District Attorneys Association shall appoint the Executive Director, fix the conditions of employment and tenure in office, and shall be responsible for the efficient discharge of his duties, all in accordance with the constitution and by-laws of the Association. The Executive Committee shall fix the salary of the Executive Director within the total sum of funds available from all sources but limited to federal grants, dues, contributions, gifts and the funds described in Section 4 hereafter. The Executive Director shall, with the advice and consent of the Executive Committee, employ persons within the total sum of moneys available from all sources but limited to, federal grants, dues, contributions, gifts and the funds described in Section 4 hereafter; fix their conditions of employment and tenure in office, and shall be responsible for the efficient discharge of their duties.

Section 4. It is the intention of the Legislature that the Office of Prosecution Services be funded from the several District Attorney or Solicitor Funds of all thirty-eight Judicial Circuits. This Act hereby authorizes the lawful custodians of such funds to contribute moneys for the administration of the Office of Prosecution Services; provided, however, that upon the implementation of the State District Court System such custodians shall be required to remit, on a monthly basis, ten percent of the moneys collected for their respective District Attorney or Solicitor Funds to the Office of Prosecution Services, provided that nothing contained herein shall prohibit such custodians from contributing over and above ten percent of the moneys collected for their respective District Attorney or Solicitor Funds.

Section 5. Anything in this Act to the contrary, notwithstanding, the Office of Prosecution Services may not exercise any power, supervisory or otherwise, undertake any duty or perform any function presently or hereafter assigned by law to the Governor of this State, the Attorney General, the Chief Justice of the Supreme Court, any District Attorney or any Solicitor of any Court of Record in this State.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Mr. Flippo offered the following amendment to the substitute for the Bill, S. B. 75, to-wit:

#### AMENDMENT TO SUBSTITUTE FOR S. B. 75

Amend Senate Bill No. 75, Page 2, Line 28, by striking out the period after the word "hereafter" and inserting the following "except that said salary shall not exceed \$25,000.00 per annum".

Which was adopted.

And said substitute, as thus amended, for the Bill, S. B. 75, was then adopted.

Yeas 24; Nays 1.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, McDonald (A), McMillan, Mims, Mitchell, Owen, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Wilson.

—24

*Nay:* Mr. Little

—1

Mr. Baker offered the following amendment to the Bill, S. B. 75, as amended by the substitute, to-wit:

#### AMENDMENT TO S. B. 75, AS AMENDED

Amend Senate Substitute to Senate Bill No. 75, Page 3, Line 13, by inserting Section 4A.



4A. The Office of Prosecution Services shall submit a proposed budget to the Legislature at each Regular Session of the Legislature and shall not expend any funds except as appropriated by the Legislature.

On motion of Mr. Flippo, said amendment was laid on the table.

Mr. Flippo then offered the following amendment to the Bill, S. B. 75, as amended, to-wit:

AMENDMENT TO S. B. 75, AS AMENDED

Amend Senate Bill No. 75, Page 3, by inserting Sec. 4A:

4A. The Dept. of Examiners of Public Accounts shall audit all the expenditures and revenues of this agency annually.

Which was adopted.

Yeas 26; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Givhan, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Weaver.

—26

*Nays:*

—0

And said Bill, S. B. 75, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 1.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Givhan, Jones, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perloff, Roberts, St. John, Shelby, Stewart, Torbert.

—22

*Nay:* Mr. Little.

—1

The Bill:

S. 699. To amend Act No. 606, S. 112 of the Regular Session of 1969 (Acts 1969, p. 1110), which creates the office of Supernumerary Probate Judge, amending Sections 1, 4 and 5 thereof, in order to change certain prerequisites for appointment to such office, by reducing the number of years of past service as a probate judge and by providing for the counting of years of service in certain other public offices as a part of the prior service which is prerequisite to appointment to such office; to regulate further the compensation payable to each such officer; and to regulate further the return to such officer of his contributions to the county when he ends his tenure of office prior to becoming a Supernumerary Probate Judge.

and pending Health and Welfare Committee amendment, which said

amendment is set out at length in the Journal of the Senate for the Twentieth Legislative Day, was again taken up.

The question was on the motion of Mr. Roberts that said Bill and pending amendment be re-committed.

## RESOLUTIONS

Mr. Edwards offered the following Senate Joint Resolution, to-wit:

**S. J. R. 95. TO DESIGNATE HIGHWAY 67 FROM I-65 TO ITS INTERSECTION WITH FEDERAL HIGHWAY 31 THE "POINT MALLARD PARKWAY."**

WHEREAS the Point Mallard Park is one of the most unique recreational facilities on the Tennessee River; and

WHEREAS thousands of Alabamians and out-of-state visitors enjoy the facilities at Point Mallard Park; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that State Highway 67 from I-65 to its intersection with Federal Highway 31 shall be designated the "Point Mallard Parkway"; and the State Highway Department in cooperation with the Federal Bureau of Roads shall cause appropriate markers to be erected to so designate said highway.

On motion of Mr. Edwards, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. McDonald (S), Baker, Adams, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver and Wilson offered the following Senate Joint Resolution, to-wit:

**S. J. R. 96. MOURNING THE DEATH OF FORMER SENATOR HERBERT CONWAY.**

WHEREAS we are deeply grieved to learn of the death of former Senator Herbert Conway who passed away recently at the age of 76 following a heart attack; and

WHEREAS Senator Conway was a long time resident of Albertville, and at the time of his death had practiced law in Marshall County 43 years, a longer continuous period than any other Marshall County Attorney; and

WHEREAS Senator Conway was well respected in the legal community as well as by his clients, and gained the reputation of being a scrappy trial lawyer not afraid of the courtroom; and

WHEREAS after years of successful private law practice he became District Attorney of Marshall County in 1962 and remained in that position until 1972 when he retired for reasons of health; and

WHEREAS he served a term in the Alabama Senate representing Marshall and Jackson Counties and during this term received numerous accolades for his legislative abilities; and

WHEREAS this legislature would like to pay tribute to this man who made a significant and lasting contribution to the State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Senator Herbert Conway and express our deep and sincere sympathy to his widow, Mrs. Willie Wright Conway, and his family to whom copies of this resolution shall be sent.

On motion of Mr. McDonald (S), the Rules were suspended and the Resolution was adopted by the Senate.

#### FURTHER CONSIDERATION OF S. B. 699

The Senate proceeded to further consideration of the Bill, S. B. 699 and pending amendment. The question was on the motion of Mr. Roberts that said Bill and pending amendment be re-committed.

On motion of Mr. Bank, further consideration of the Bill, S. B. 699 and pending amendment, was postponed until the Twenty-fifth Legislative Day.

#### BILLS ON THIRD READING RESUMED

The Bill:

H. 201. To provide that driver licenses bear photographic likeness in color of licensed drivers and to provide for a system to implement the use of color photographic driver license forms and for the time and manner of implementing this Act; and to provide for non-driver identification cards; to provide for the issuance of driver licenses valid for a period of four (4) years, and to set the cost of such licenses and identification cards; to provide for interim driver licenses valid for a period of two (2) years to implement this Act, and to set the cost of such licenses; to provide that contracts may be awarded for a period of a total of five years; to repeal Section 59, Title 36, Code of Alabama 1940, as amended.

was taken up.

The Standing Committee on Commerce, Transportation, and Utilities reported the following substitute for the Bill, H. B. 201, to-wit:

#### COMMITTEE SUBSTITUTE FOR H. B. 201

##### A BILL TO BE ENTITLED AN ACT

To provide that driver licenses bear photographic likeness in color of licensed drivers and to provide for a system to implement the use of color photograpic driver license forms and for the time and manner of implementing this act; and to provide for non-driver identification cards; to provide for the issuance of driver licenses valid for a period of four (4) years, and to set the cost of such licenses and identification cards, and the fees for issuance; to provide for interim driver licenses valid for a period of two (2) years to implement this act, and to set the cost of such licenses; to provide that contracts may be awarded for a period of a total of five years; to amend Section 62, Title 36, Code of Alabama 1940; to repeal Section 59, Title 36, Code of Alabama 1940, as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. Effective from and after January 1, 1977, each driver license issued by the Department of Public Safety, except temporary permits or other special circumstances as determined by the Director of the Department of Public Safety, shall bear thereon a distinguishing number assigned to the licensee and a color photograph of the licensee; the name, birthdate, address, and a description of the licensee, who for the purpose of identification and as a condition precedent to the validity of the license, immediately upon receipt thereof, shall endorse his or her usual or regular signature in ink upon the license in the space provided thereon unless a facsimile of the licensee's signature appears thereon. In addition, space shall be provided to enter information if licensee is willing to donate body organs upon death.

Section 2. Effective from and after January 1, 1977, the Department of Public Safety shall make available to any resident of this state who does not hold a valid Alabama driver license a non-driver identification card to be used for identification purposes only. Such non-driver identification card shall be issued only upon application of the non-driver and shall be similar to the driver license except that it shall bear the word "non-driver" in prominent letters on the face of the identification card. Each non-driver identification card shall bear thereon a distinguishing number assigned to the non-driver and a color photograph of the non-driver as well as the name, birthdate, resident address, and a brief description of the non-driver, who for the purpose of identification shall immediately upon receipt thereof, endorse his or her usual signature in ink upon the license in the space provided thereon unless a facsimile of the non-driver signature appears thereon.

The same degree of proof of identification required of applicants for driver licenses in this state shall be required of applicants for non-driver identification cards.

Section 3. After making such studies and examinations as may be necessary, the Director of the Department of Public Safety shall prescribe in writing the standards and requirements for the equipment and processes to be used to implement this act, and shall cause the state purchasing agent to solicit public bids based upon said standards and requirements, in conformity with the competitive bid law of the State of Alabama, except such contracts may be awarded for a period of a total of five years, instead of one year, and the Director of the Department of Public Safety shall, on behalf of the State of Alabama, enter into contract(s) with the lowest responsible bidder(s) for such services and/or for the lease or purchase of such equipment as might be required for the efficient and economical operation of the system theretofore developed. In addition thereto the Director of the Department of Public Safety shall require of the successful bidder a sufficient performance bond or written warranty to guarantee performance of the contract awarded, and sufficient to protect the interests of the State of Alabama and the licensees.

Section 4. Upon the installation of a system for the issuance of driver licenses and non-driver identification cards with color photographs of licensees and non-drivers thereon, all such licenses and identification cards and renewals thereof issued in this state shall be issued in the following manner: Such person shall apply under oath to the judge of probate or license commissioner of the county of his residence for said driver's license or non-driver identification card or a renewal thereof upon a form which shall be provided by the director of public safety.

The judge of probate or license commissioner shall take a color photograph of the licensee with equipment to be furnished by the Department of Public Safety to be attached to each application.

Section 5. For the purpose of defraying the cost of issuing driver licenses or non-driver identification cards with color photographs of the licensee or non-driver thereon, the probate judge or license commissioner shall collect for each license or identification card issued the sum of nine dollars (\$9.00) for a four-year license or identification card, and the judge of probate or license commissioner shall give the licensee a driver license or identification card. To implement this law, the Director of the Department of Public Safety may authorize the issuance of a two-year interim license to some licensees for a fee of four dollars and seventy-five cents (\$4.75).

Section 6. Every person, except those specifically exempted by statutory enactment, shall procure a driver license before driving a motor vehicle upon the highways of this state. Every driver license issued under this article may be renewed at the end of the license period without examination upon application and payment of the fee. Every new resident of the State of Alabama shall procure an Alabama driver license within thirty (30) days after establishing residence in this state.

Section 7. Section 61 of Title 36, Code of Alabama 1940, as last amended is hereby amended to read as follows:

"Section 61. At the close of business on Monday of each week when any application has been received or temporary instruction permit hereinafter provided for has been issued, the judge of probate receiving such application or issuing such permit shall prepare a report of the same upon a form which shall be provided by the Director of Public Safety. One copy of such report, together with all applications received and copies of all permits issued shall be forwarded to the director of Public Safety and one copy shall be retained by the judge of probate. On the tenth day of every month the judge of probate shall prepare a report showing the number of applications received and permits issued and the amount of fees received during the previous calendar month, provided however that said report shall be prepared on the twentieth day of October, November and December. One copy of such report shall be forwarded to the Director of Public Safety, one to the comptroller, one to the treasurer, and he shall retain a copy. He shall also at said time deliver to the treasurer the amount of all such fees collected less fifty cents for each driver license or identification card issued, which sum shall be retained by him. Two-fifths of each fifty cents retained by the probate judge shall be for his own use, and no other or further charge shall be made by him for services rendered in taking or receiving applications or issuing permits; provided however this provision shall not repeal any local statutes nor general statutes of local application contrary to this provision; the remaining three-fifths shall be paid into the public highway and traffic fund of the county. On all two-year interim licenses, he shall also at said time deliver to the treasurer the amount of all such fees collected less twenty-five cents for each interim license issued, which sum shall be retained by him. Two-fifths of each twenty-five cents retained by the probate judge shall be for his own use, and no other or further charge shall be made by him for services rendered in taking or receiving applications or issuing permits; provided however these provisions shall not repeal any local statutes nor general statutes of local application contrary to this provision; the remaining three-fifths shall be paid into the public highway and traffic fund of the county. All

funds remitted to the state treasurer under the provisions of this section shall be deposited to the credit of the general fund and shall be appropriated to the Department of Public Safety for the payment of salaries and other expenses of personnel engaged in enforcement of state traffic and motor vehicle laws."

Section 8. Section 59, Title 36, Code of Alabama 1940, as amended, is hereby repealed.

Section 9. The provisions of this act are cumulative and shall not be construed to repeal or supersede any laws or parts of laws not directly inconsistent herewith.

Section 10. This act is severable and if any part shall be declared invalid by any court of competent jurisdiction such declaration shall not affect those parts which remain.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Mr. Vacca, said substitute was laid on the table.

Mr. Vacca offered the following substitute for the Bill, H. B. 201, to-wit:

#### SUBSTITUTE FOR H. B. 201

#### A BILL TO BE ENTITLED AN ACT

To provide that driver licenses bear photographic likeness in color of licensed drivers and to provide for a system to implement the use of color photographic driver license forms and for the time and manner of implementing this act; and to provide for non-driver identification cards; to provide for the issuance of driver licenses valid for a period of four (4) years, and to set the cost of such licenses and identification cards, and the fees for issuance; to provide for interim driver licenses valid for a period of two (2) years to implement this act, and to set the cost of such licenses; to provide that contracts may be awarded for a period of a total of five years; to amend Section 62, Title 36, Code of Alabama 1940; to repeal Section 59, Title 36, Code of Alabama 1940, as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. Effective from and after January 1, 1977, each driver license issued by the Department of Public Safety, except temporary permits or other special circumstances as determined by the Director of the Department of Public Safety, shall bear thereon a distinguishing number assigned to the licensee and a color photograph of the licensee; the name, birthdate, address, and a description of the licensee, who for the purpose of identification and as a condition precedent to the validity of the license, immediately upon receipt thereof, shall endorse his or her usual or regular signature in ink upon the license in the space provided thereon unless a facsimile of the licensee's signature appears thereon. In addition, space shall be provided to enter information if licensee is willing to donate body organs upon death.

Section 2. Effective from and after January 1, 1977, the Department of Public Safety shall make available to any resident of this state who does not hold a valid Alabama driver license a non-driver identification card to be used for identification purposes only. Such non-driver identification card shall be issued only upon application of the non-driver and shall be similar to the driver license except that it shall bear the word "non-driver" in prominent letters on the face of the identification card. Each non-driver identification card shall bear thereon a distinguishing number assigned to the non-driver and a color photograph of the non-driver as well as the name, birthdate, residence address, and a brief description of the non-driver, who for the purpose of identification shall immediately upon receipt thereof, endorse his or her usual signature in ink upon the license in the space provided thereon unless a facsimile of the non-driver signature appears thereon.

The same degree of proof of identification required of applicants for driver licenses in this state shall be required of applicants for non-driver identification cards.

Section 3. After making such studies and examinations as may be necessary, the Director of the Department of Public Safety shall prescribe in writing the standards and requirements for the equipment and processes to be used to implement this act, and shall cause the state purchasing agent to solicit public bids based upon said standards and requirements, in conformity with the competitive bid law of the State of Alabama, except such contracts may be awarded for a period of a total of five years, instead of one year, and the Director of the Department of Public Safety shall, on behalf of the State of Alabama, enter into contract(s) with the lowest responsible bidder(s) for such services and/or for the lease or purchase of such equipment as might be required for the efficient and economical operation of the system theretofore developed. In addition thereto the Director of the Department of Public Safety shall require of the successful bidder a sufficient performance bond or written warranty to guarantee performance of the contract awarded, and sufficient to protect the interests of the State of Alabama and the licensees.

Section 4. Upon the installation of a system for the issuance of driver licenses and non-driver identification cards with color photographs of licensees and non-drivers thereon, all such licenses and identification cards and renewals thereof issued in this state shall be issued in the following manner: Such person shall apply under oath to the judge of probate or license commissioner of the county of his residence for said driver's license or non-driver identification card or a renewal thereof upon a form which shall be provided by the director of public safety.

The judge of probate or license commissioner shall take a color photograph of the licensee with equipment to be furnished by the Department of Public Safety to be attached to each application.

Section 5. For the purpose of defraying the cost of issuing driver licenses or non-driver identification cards with color photographs of the licensee or non-driver thereon, the probate judge or license commissioner shall collect for each license or identification card issued the sum of nine dollars (\$9.00) for a four-year license or identification card, and the judge of probate or license commissioner shall give the licensee a driver license or identification card. To implement this law, the Director of the Department of Public Safety may authorize the issuance of a two-year interim license to some licensees for a fee of four dollars and seventy-five cents (\$4.75).

Section 6. Every person, except those specifically exempted by statutory enactment, shall procure a driver license before driving a motor vehicle upon the highways of this state. Every driver license issued under this article may be renewed at the end of the license period without examination upon application and payment of the fee. Every new resident of the State of Alabama shall procure an Alabama driver license within thirty (30) days after establishing residence in this state.

Section 7. Section 61 of Title 36, Code of Alabama 1940, as last amended is hereby amended to read as follows:

"Section 61. At the close of business on Monday of each week when any application has been received or temporary instruction permit hereinafter provided for has been issued, the judge of probate receiving such application or issuing such permit shall prepare a report of the same upon a form which shall be provided by the Director of Public Safety. One copy of such report, together with all applications received and copies of all permits issued shall be forwarded to the Director of Public Safety and one copy shall be retained by the judge of probate. On the tenth day of every month the judge of probate shall prepare a report showing the number of applications received and permits issued and the amount of fees received during the previous calendar month, provided however that said report shall be prepared on the twentieth day of October, November and December. One copy of such report shall be forwarded to the Director of Public Safety, one to the comptroller, one to the treasurer, and he shall retain a copy. He shall also at said time deliver to the treasurer the amount of all such fees collected less fifty cents for each driver license or identification card issued, which sum shall be retained by him. Two-fifths of each fifty cents retained by the probate judge shall be for his own use, and no other or further charge shall be made by him for services rendered in taking or receiving applications or issuing permits; provided however this provision shall not repeal any local statutes nor general statutes of local application contrary to this provision; the remaining three-fifths shall be paid into the public highway and traffic fund of the county. On all two-year interim licenses, he shall also at said time deliver to the treasurer the amount of all such fees collected less twenty-five cents for each interim license issued, which sum shall be retained by him. Two-fifths of each twenty-five cents retained by the probate judge shall be for his own use, and no other or further charge shall be made by him for services rendered in taking or receiving applications or issuing permits; provided however these provisions shall not repeal any local statutes nor general statutes of local application contrary to this provision; the remaining three-fifths shall be paid into the public highway and traffic fund of the county. All funds remitted to the state treasurer under the provisions of this section shall be deposited to the credit of the general fund and shall be appropriated to the Department of Public Safety for the payment of salaries and other expenses of personnel engaged in enforcement of state traffic and motor vehicle laws."

Section 8. Section 59, Title 36, Code of Alabama 1940, as amended, is hereby repealed.

Section 9. The provisions of this act are cumulative and shall not be construed to repeal or supersede any laws or parts of laws not directly inconsistent herewith.

Section 10. This act is severable and if any part shall be declared invalid by any court of competent jurisdiction such declaration shall not affect those parts which remain.



Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 22; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Foshee, Gilmore, Givhan, King, Little, McDonald (A), Mims, Mitchell, Noonan, Pearson, Powell, Roberts, St. John, Stewart, Torbert, Vacca, Wilson.

—22

*Nays:*

—0

And said Bill, H. B. 201, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 28; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

—28

*Nays:*

—0

The Bill:

S. 838. To reorganize the Public Service Commission by providing for an increase in the membership of said commission; to prescribe the terms of office and election of the members so as not to affect or alter the terms of the present members; to establish the division of Utility Research within the Commission; and to repeal all conflicting statutes.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 4.

*Yeas:*

Messrs. Adams, Baker, Clemon, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (A), Mims, Mitchell, Owen, Pearson, Powell, Roberts, St. John, Shelby, Torbert, Vacca.

—22

*Nays:* Messrs. Ellis McMillan, Noonan, Stewart.

—4

The Bill:

S. 161. To authorize the County Commission or like governing body of each of the several Counties of the State to join and participate in a National and State Association of County Commissions and to appropriate such funds as it may deem necessary for the maintenance and support of such Association.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Flippo, Foshee, Gilmore, Givhan, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Roberts, St. John, Stewart, Torbert, Vacca.

—24

*Nays:*

—0

The Bill:

S. 683. To further amend Act Number 753 approved September 12, 1969, creating The Alabama Constitutional Commission.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 1.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, King, Little, McDonald (A), McMillan, Mitchell, Noonan, Owen, Pearson, Powell, Roberts, Shelby, Stewart, Torbert, Vacca.

—25

*Nay:* Mr. Jones

—1

The Bill:

S. 660. A bill relating to the practice of Veterinary medicine and surgery which provides for permits to veterinarians for animal technicians; for the examination and registration of animal technicians; for the payment of examination and registration fees; and which prescribes penalties for violation of the Act; and further providing annual educational requirements for veterinarians with exceptions for certain licensees; and further by amending Section 18 of Act No. 945 of the Regular Session of the Legislature 1951, which relates to the expenses of the Board members.

was taken up.

The Standing Committee on Health and Welfare reported the following amendment to the Bill, S. B. 660, to-wit:

#### COMMITTEE AMENDMENT TO S. B. 660

Senate Bill 660 is hereby amended by the addition of Section 4, Section 5, and Section 6, to begin on Page 5, Line 30, the additional sections to read as follows:

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage or its otherwise becoming a law.

Which was adopted.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca.

—30

*Nays:*

—0

And said Bill, S. B. 660, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Wilson.

—25

*Nays:*

—0

The Bill:

H. 435. To make an appropriation for capital outlay purposes at the University of Alabama in Birmingham for the fiscal year ending September 30, 1975.

was taken up.

Mr. King moved that consideration of the Bill, H. B. 435, be postponed until the Thirtieth Legislative Day. Mr. Baker offered a substitute motion that consideration of the Bill be postponed until the Twenty-fifth Legislative Day. On motion of Mr. Gilmore, the motion to postpone was laid on the table.

Yeas 19; Nays 9.

*Yeas:*

Messrs. Adams, Clemon, Ellis, Fine, Foshee, Gilmore, Givhan, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Roberts, St. John, Torbert, Wilson.

—19

*Nays:*

Messrs. Baker, Bank, Edwards, Flipppo, King, Little, Powell, Shelby, Stewart.

—9

Mr. King offered the following amendment to the Bill, H. B. 435, to-wit:

Amend House Bill No. 435 by adding the following Section 3 and renumbering all sections thereafter:

"Section 3. In addition to all other appropriations heretofore made to University of Alabama at Huntsville, there is hereby appropriated from the Alabama Special Education Trust Fund \$500,000.00 for capital improvements for the fiscal year ending September 30, 1975."

#### ADJOURNMENT

At 8:05 P.M., Mr. Fine moved that the Senate adjourn until Thursday, August 21, 1975, at 8 o'clock A.M. Mr. Owen offered a substitute motion that the Senate adjourn until Thursday at 7:30 A.M., which motion was adopted, and, pending further consideration of H. B. 435, and in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Thursday, August 21, 1975, at 7:30 A.M.

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#### TWENTY-FIFTH LEGISLATIVE DAY THURSDAY, AUGUST 21, 1975

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

#### PRAYER

The Session was opened with prayer by the Honorable Maston Mims, Thirty-first Senatorial District.

#### ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—34

#### JOURNAL

On motion of Mr. Bank, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

#### REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examine the Journal of the Senate for

the Twenty-fourth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

E. C. FOSHEE,  
Chairman.

### COMMITTEE REPORT

On motion of Mr. Foshee, the foregoing report was concurred in and the Journal of the Senate for the Twenty-fourth Legislative Day was approved by the Senate.

### LEAVES OF ABSENCE

On motion of Mr. Bank, leave of absence was granted Mr. Weaver for today.

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 305. To amend Section 106 of Title 8, Code of Alabama 1940, as amended, pertaining to the penalty for killing domestic animals while hunting.

E. C. FOSHEE,  
Chairman.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Rules.

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, respectively, and finds same correctly engrossed, to-wit:

S. 797. To further amend and reenact Act No. 422, H. 325, 1951 Regular Session (Acts of 1951, p. 745), as amended, entitled "An Act To regulate through licensure the business, occupation, or calling of real estate brokers, and real estate salesmen: defining terms; creating the Alabama Real Estate Commission, and prescribing the jurisdiction, authority, powers and duties thereof; fixing the qualifications of real estate brokers and real estate salesmen and prescribing the procedure for

obtaining a license to engage in such business, occupation, or calling, providing for the suspension or revocation of licenses issued; providing penalties for violations of this Act or rules, regulations, and orders issued under the authority thereof; making appropriations; and repealing conflicting laws”.

E. C. FOSHEE,  
Chairman.

### INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Noonan:

S. 1083. To appropriate \$760 out of the state general fund to Naman's Super Food Store, a partnership, for the overpayment of state sales tax.

Committee on Finance and Taxation.

By Mr. Little:

S. 1084. To create and establish the Council of Alabama Archaeology and the Alabama Archaeological Advisory Committee for the purpose of assisting and advising the Alabama Historical Commission on matters of archaeological significance; to provide for the appointment and terms of the members of said council and committee; and to prescribe the organization, membership and meeting procedure of said council and committee.

Committee on State Government.

By Messrs. King and Stewart:

S. 1085. Relating to elections; amending the law relating thereto by amending, deleting, or adding sections as follows and dividing into ten chapters;

#### Chapter 1—time of elections

Repeals sections 65 through 74 relating to officers to be elected at each general election and adds a new section establishing the date of the general election;

#### Chapter 2—new duties of the secretary of state

adds a new section that the secretary of state shall publish a handbook for election officials; and amends section 186 to provide that the secretary of state shall prescribe standard election forms;

#### Chapter 3—voting centers

amends section 84 to allow county governing bodies to establish voting centers at which voters may vote at any machine, providing for the number and selection of personnel at such centers and their duties, election procedure, and repealing inconsistent local acts; amends section 120 so as not to conflict with voting center provisions regarding the number of election officials needed at the polls;

**Chapter 4—voting machines**

amends sections 91, 92, 94, 97, 101, 102, 112, 113 to prohibit the use of paper ballots after 1980 and to allow counties to choose either electro-mechanical voting machines or electronic voting systems; defining terms; establishing standards for such machines; abolishing referenda on the use of such machines; establishing preliminaries to opening the polls, the conduct of elections, and the closing of the polls when using either type of machine; and generally making provisions now regarding electro-mechanical machines applicable to electronic voting systems; and repealing inconsistent local acts;

repeals sections 93, 95, 96, 111, and Act 409, 1943 Regular Session;

amends section 103 to provide that election officials must attend training on voting machines only once each twelve months;

amends section 112 to allow voters waiting to vote at the close of the polls to vote;

adds a new section to require the probate judge to open voting machines to allow inspection thereof after the election;

repeals (effective 1980) sections 193, 194, 195, 196, 197, and Act 800, 1951 Regular Session;

amends section 198 to raise the compensation of election officials;

**Chapter 5—voting hours**

adds a new section to allow each county government to establish voting hours for the county; providing for notice of such hours; and repealing inconsistent local acts;

amends sections 131 and 132 to require election officials to come to polls one hour before polls open; repeals section 172; adds a new section to allow persons waiting to vote at the close of the polls to vote;

**Chapter 6—placing names on ballot**

amends section 145 to provide that party chairman must certify nominees to the probate judge 21 days prior to the election; to provide that independent candidates must qualify by petition before the date of the primary; to set the number of signatures needed on such petition; and to prohibit any primary candidate from running as an independent candidate for the same office;

repeals Act \_\_\_\_\_, 1967 Special Session;

**Chapter 7—challenge oaths**

amends sections 188 and 189 to simplify the challenge ballot oaths in conformity with present registration requirements;

**Chapter 8—canvass procedures**

amends section 197 to require returns to be made immediately upon completion of the count no later than 10 a.m. on the day following the election;

amends section 199 to require the board of election supervisors to canvass returns at noon on the day following the election;

amends section 200 to delete a reference to member of the house of representatives as county officers;

amends section 201 to require county canvass to be sent to the secretary of state immediately upon completion by certified mail and generally combining sections 202, 203, 205, and 212, which are repealed;

amends section 204 to change a reference from section 203 to section 201;

repeals sections 209, 210, 211, and 223;

#### Chapter 9—contests and challenges

amends sections 231, 236, 237, 238, 250, 252, and 253, repeals sections 239 through 248 and 254 through 267, and adds two new sections to unify the election contest procedures, to provide that a miscount or mistabulation of votes is a grounds of challenge, establishing the composition and venue of the special circuit court to hear contests, providing for the place of filing complaints, requiring a specification of the evidence, requiring and establishing the amount of security for costs, providing for appeals and costs of appeals;

adding new sections regarding contests of primary nominations and challenges to primary candidates; defining terms; setting the time for contests or challenges; who may file; with whom filed; by whom heard; contents of petitions; procedures; appeal to the supreme court;

repeals section 368 and sections 373 through 392;

#### Chapter 10—Miscellaneous

repeals sections 136, 137, 138, 141, 220, 228, 229, 230, Act 154, 1961 Special Session and Act 105, 1965 Special Session;

amends sections 77 and 80 to allow the county governing body to change voting district lines at any regular meeting;

amends section 154 to establish a uniform order for listing offices on the ballot;

amends section 168 to require the probate judge to preserve certificates and petitions of nomination for one year;

amends section 170 to require only 105 paper ballots per 100 voters at each polling place;

amends section 227 to raise the compensation of presidential electors;

repealing inconsistent acts; providing for an effective date; and providing for the severability of the act.

Committee on Constitution and Elections.

By Mr. Foshee:

S. 1086. To make an appropriation from the Alabama Special Education Trust Fund to the Lurleen B. Wallace State Junior College in Andalusia for a classroom-auditorium building.

Committee on Finance and Taxation.



By Messrs. Fine and Jones:

S. 1087. To provide for the creation of the Legislative Retirement Fund; to provide for the actuarially sound administration and supervision thereof; to provide for the payment of contributions by the members of said fund; and further to provide for the necessary and proper appropriations to carry out the provisions of this Act.

Committee on Finance and Taxation.

By Messrs. Stewart, Shelby, Powell, Edwards, Waldrop and Bank:

S. 1088. To regulate and promote the public health and to authorize the State Board of Health to declare a moratorium on health facility construction and equipping in all health services areas in which the Alabama Master Hospital Plan indicates that need for health facility beds, services, and equipment has been met; to repeal Section 13 of Act No. 530, Regular Session 1949.

Committee on Health and Welfare.

By Mr. Clemon:

S. 1089. To make legislative findings regarding the shortage, in the larger municipalities of the state, of residential housing and of the investment funds needed to finance the purchase, construction and rehabilitation of adequate residential housing; to define the particular terms used in the substantive provisions of this Act; to provide for and authorize the incorporation for any municipality in the state having a population of more than 250,000 of a Housing and Mortgage Finance Authority, as a public corporation and political subdivision of the state, upon the filing of an application with, and the making of certain determinations by, the governing body of such municipality; to provide for and authorize the certificate of incorporation of any such Authority to be amended at any time and from time to time upon the filing of applications with, and the making of certain determinations by, the governing body of such municipality; to provide for a board of directors of any such Authority and the election of the members thereof; to provide for the officers of any such Authority and the election thereof; to provide for the general powers to be exercised by any such Authority and the conditions under which such powers may be exercised, including various approvals and consents in connection therewith required to be given by the governing body of such municipality; to empower any such Authority to make mortgage loans to housing sponsors to finance and purchase, construction or rehabilitation of housing projects located within the corporate limits of such municipality for occupancy by persons and families of low or moderate income; to empower any such Authority to make mortgage loans to persons and families of low or moderate income to purchase or construct residential housing located within the corporate limits of such municipality; to prescribe the findings which must be made by the board of directors of any such Authority as conditions precedent to its power to make mortgage loans; to provide for the supervision by such Authority of housing sponsors owning or otherwise having responsibility for housing projects financed by such Authority; to prescribe certain terms and conditions applicable to mortgage loans made by any such Authority; to empower any such Authority to purchase mortgage loans from mortgage lenders; to empower any such Authority to make loans to mortgage lenders; to prescribe certain terms and conditions upon which any such Authority can purchase mortgage loans from or make loans to mortgage

lenders; to empower such Authority to establish and operate one or more revolving loan funds for the purpose of making loans to persons and families of low or moderate income to rehabilitate residential housing owned and occupied by such persons and families; to prescribe certain terms and conditions upon which loans may be made by any such Authority out of moneys in any such revolving loan fund; to empower any Authority to establish and operate one or more housing loan guaranty funds to guarantee (i) mortgage loans made by financial institutions to housing sponsors to finance the purchase, construction or rehabilitation of housing projects for occupancy by persons and families of low or moderate income and (ii) loans (whether or not secured by a mortgage lien) made by financial institutions to persons and families of low or moderate income to finance the construction, rehabilitation or purchase of residential housing owned and occupied by such person or family; to prescribe certain terms and conditions for guaranties made in connection with the operation of any housing guaranty loan fund; to empower any such Authority to make grants to non-profit housing sponsors for the purpose of paying certain costs in connection with the development, acquisition and operation of housing projects for occupancy by persons and families of low or moderate income; to empower any such Authority to borrow money for its various corporate purposes and in evidence thereof to issue its notes and bonds; to prescribe certain terms and conditions upon which any such Authority may sell and issue its notes and bonds; to authorize any such Authority to pledge its revenues and mortgage or assign its assets as security for its notes and bonds; to provide a method for giving constructive notice of any pledge of revenues made by any such Authority; to provide that the notes and bonds and all other obligations of any such Authority shall not constitute or create a debt of the state or any county, municipality or other political subdivision or agency thereof; to provide that the notes and bonds of any such Authority shall constitute negotiable instruments; to provide for the creation of special reserve funds to secure the payment of the principal and interest on the bonds of any such Authority; to provide for the refunding, by the issuance and sale of refunding bonds, of any notes or bonds theretofore issued or obligations theretofore assumed by any such Authority; to prescribe the remedies available to the holders of the notes and bonds of any such Authority in the event it defaults in the payment of any such notes and bonds; to provide that the notes and bonds of any such Authority may be used for the investment of trust and other fiduciary funds; to provide for annual audit reports by any such Authority; to exempt from all taxation in this state each such Authority, its property, corporate activities, income, revenues, notes and bonds, the income from its notes and bonds, and the leases, mortgages and deeds of trust to which such Authority is a party; to provide for the liberal construction of the provisions of this Act; to provide that any county, municipality, or other political subdivision, agency or instrumentality of the state may aid and cooperate with, lend or donate money or perform services for the benefit of, and, without the necessity of an election, donate, sell, convey, transfer, lease or grant to any such Authority any property of any kind, for use by such Authority in connection with the achievement of any of its corporate purposes pursuant to the provisions of this Act; to provide that any such Authority shall be a nonprofit corporation; to provide that any such Authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds by such Authority, and to provide that any action or proceeding questioning the validity of such bonds, or any pledge, mortgage or trust indenture securing the same, or the proceedings authorizing the

same, must be commenced within thirty (30) days after the first publication of said notice; to provide for the procedure for the dissolution of any such Authority and the vesting of title to its properties; to provide that the provisions of this Act shall be severable.

Committee on Local Legislation No. 2.

By Mr. Stewart:

S. 1090. To amend Section 2 of Act No. 1218, H. 342, Regular Session of 1973 (Acts 1973, p. 2065), which relates to appropriations for the renovation, repair, refurbishing, and refurnishing of certain state buildings so as to remove the line item conditional appropriations and appropriate the sum of Two Million Dollars.

Committee on Finance and Taxation.

By Mr. Wilson:

S. 1091. Honoring two outstanding Alabamians, re-naming the Baptist Medical Center Boulevard in Selma, Alabama the "Givhan-Goodwin Boulevard", in honor of Senator Walter Givhan and Mr. Earl Goodwin, respected leaders of the State of Alabama and natives of Dallas County.

Committee on Finance and Taxation.

By Messrs. Baker, Owen and Torbert:

S. 1092. Relating to excise taxes on motor fuels; to amend Code of Alabama 1940, Title 51, Section 647, Act No. 590, H. 392, 1939 Regular Session ( (Acts 1939, p. 958, now appearing in Code of Alabama Recompiled 1958, and Title 51, Sections 665 (32) and (33) ). Act 647, H. 484, 1961 Regular Session ( (Acts 1961, p. 925; now appearing in Code of Alabama Recompiled 1958.) )

Committee on Finance and Taxation.

By Mr. Givhan:

S. 1093. Amending Title 9, Sections 60 and 66, Alabama Code, only, so as to raise the legal rate of interest which may be charged and collected on single payment loans and to provide for an increased rate on the discounting of notes, bills of exchange or drafts.

Committee on Banking.

By Mr. Fine:

S. 1094. To provide a confidential trial coordinator for each District Attorney; to set the trial coordinator's salary; to authorize the trial coordinator's attendance upon the Grand Jury; and to authorize matching funds.

Committee on Finance and Taxation.

By Mr. Fine:

S. 1095. To provide a confidential secretary for each District Attorney; to set the secretary's salary; to authorize the secretary's attendance upon the Grand Jury; and to authorize matching funds.

Committee on Finance and Taxation.

By Mr. Shelby:

S. 1096. To amend Act No. 91, S. 70, of the 1975 Third Special Session of the Legislature of Alabama to provide for secretarial, legal, clerical or administrative assistants for each circuit judge of all judicial circuits composed of only one county having a population of not less than 110,000 nor more than 160,000 according to the most recent federal decennial census; and to fix the term of office and prescribe the pay for such assistants; and to provide for the payment of the salaries of such assistants out of the general fund of the county composing said circuits.

Committee on Local Legislation No. 1.

By Messrs. Shelby and Bank:

S. 1097. To amend Sections 6, 15, 16, 17 and 18 of Act No. 183 enacted at the 1975 Third Special Session of the Legislature of Alabama so as to make different provision for the first term of office of any directors of any hospital authority organized under said Act who are elected by the Central Labor Council; so as to delete the reference in said Act to the University of Alabama; so as to prohibit any employee of any such hospital authority or any hospital or other institution operated by it and any employee of certain other hospital or health care institutions from being a director of any such hospital authority; so as to provide, with respect to governmental immunity, that such hospital authorities may be sued in civil actions ex celicto to the same extent as county hospital boards organized under Act No. 46 (1949 Regular Session), as amended; so as to revise the provisions of said Act relating to the applicability of the rules and regulations of the State Ethics Commission and to provide that the provisions of Act No. 130 (1975 Regular Session) shall apply to the members of the Board of Directors of any such hospital authority to the same extent as to the boards or other similar governing bodies of similar local agencies whose members are elected or appointed by county or municipal governing bodies rather than by the electorate; so as to delete the requirement that all purchases, sales and contracts of such hospital authorities be administered in full compliance with Chapters 22 to 24, inclusive of Title 55 of the Code of Alabama of 1940, and to provide, in lieu thereof, that the provisions of Act No. 217 (1967 Regular Session), as amended, shall apply to such hospital authorities to the same extent as to other local governmental agencies specifically mentioned therein and that the provisions of Act No. 314 (1969 Regular Session) relating to insurance on public building contracts or public construction contracts shall be applicable to all such hospital authorities; and so as to revise the provisions of said Act requiring the publication of annual financial statements.

Committee on Health and Welfare.

By Mr. Wilson:

S. 1098. To amend Title 8, Sections 100 and 101 of the Code of Alabama, 1940, so as to eliminate distinctions between resident and non-resident fur dealers.

Committee on Conservation.

By Mr. Foshee:

S. 1099. To provide for a fee to be paid for filing or recording any instrument conveying real estate or any interest therein and for such fee to

be forwarded to the State Treasury; to provide for the disposition of said funds by the State Treasurer; to provide that all funds paid out by the State Treasurer shall be budgeted and allotted; and further providing that any monies in the Land Surveys Fund in excess of \$100,000.00 at the end of any state fiscal year shall be transferred into the General Fund of the State.

Committee on Finance and Taxation.

By Mr. Foshee:

S. 1100. To provide for a users fee to be paid by each registered land surveyor and professional engineer who is also registered as a land surveyor, and to deposit said fees in the State Treasury to the credit of the Land Surveys Fund; to provide for the expenditure of said monies; and to make an appropriation.

Committee on Finance and Taxation.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Lewis, Wyatt, Holmes, Plaster and Harris:

H. 603. To provide adequate professional, administrative, and clerical personnel, together with necessary equipment and funding for the Office of the District Attorney for the Fifteenth Judicial Circuit.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 603. To the Committee on Finance and Taxation.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Baker, McCluskey, Smith (C), Gafford, Brindley, Jolly, Greer, Teague, Whatley, Turnham, Wyatt, Holley, Dial, Manley, Hill, Shelton, Carter, Smith (M), Owens, Sasser, Merrill and Morris:

H. 815. To amend further Title 46, Sections 71 and 73, Code of Alabama 1940, relating to the state licensing board for general contractors; so as to increase the amount of the funds deposited in the state treasury to the credit of such licensing board that the board may retain, and increase application and renewal fees.

Also:

By Messrs. Boles, Trammell, Hall, Hilliard and Armstrong:

H. 396. To create an independent division under the Department of Education to administer the various programs under the National Social Security Act; provide for a director of such division, and define the duties and functions of such division and director.

Also:

By Mr. Biddle:

H. 665. To make a supplemental appropriation to the Department of Conservation and Natural Resources, Division of Marine Resources.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B.'s 815 and 665. To the Committee on Finance and Taxation.

H. B. 396. To the Committee on State Government.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Kinsey and Sonnier:

H. 1411. Exempting Band Parents and Parent-Teacher organizations in counties having populations of not less than 57,000, nor greater than 61,000, according to the latest federal decennial census, from state, county and municipal sales taxes on the proceeds of their fundraising projects.

Also:

By Mr. Rich:

H. 1436. Relating to Cherokee County; to provide further for the salary of the Clerk of the Circuit Court of Cherokee County.

With notice and proof thereto attached and herewith exhibited as follows:

### NOTICE OF LOCAL BILL

Notice is hereby given that the following local bill, or substance thereof, will be introduced at the present or next session of the Legislature of Alabama, and application for passage of said local bill be made in such session of the Legislature.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Cherokee County; to provide further for the salary of the Clerk of the Circuit Court of Cherokee County.

Be It Enacted by the Legislature of Alabama:

Section 1. Commencing with the next term of office of the Clerk of the Circuit Court of Cherokee County his salary shall be \$8,400 per annum payable out of the county general fund as are the salaries of other county officials.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA  
COUNTY OF CHEROKEE

Before me, Al Shumaker a Notary Public in and for said county in said state personally appeared Joseph M. Shaw, Jr., who, being by me first duly sworn, deposes and says that he is publisher of the Cherokee County Herald, a newspaper published in the City of Centre, Alabama, in Cherokee County, Alabama; that the attached is a true, correct and complete copy of Notice of Local Bill To Be Entitled An Act as published in said newspaper once a week for four consecutive weeks, beginning on the 25th day of June, 1975, that said newspaper has been so published in said town for a period of more than fifty-two (52) consecutive weeks prior to the date of said publication and has a general circulation in said city and county; and that said newspaper has been entered as second class mail matter in the United States Post Office in said city for a period of more than fifty-two (52) consecutive weeks prior to the date of said publication.

JOSEPH M. SHAW, JR.

Sworn to and subscribed before me this 29th day of July, 1975.

AL SHUMAKER,  
Notary Public.

Also:

By Mr. Rich:

H. 1437. To provide an additional expense allowance for the Judge of the County Court of Cherokee County.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL BILL

Notice is hereby given that the following local bill, or substance thereof, will be introduced at the present or next session of the Legislature of Alabama, and application for passage of said local bill be made in such session of the Legislature.

A BILL  
TO BE ENTITLED  
AN ACT

To provide an additional expense allowance for the Judge of the County Court of Cherokee County.

Be It Enacted by the Legislature of Alabama:

Section 1. The judge of the County Court of Cherokee County is hereafter provided an additional expense allowance of three hundred dollars per month, to be paid out of the county treasury, to be expended in carrying out the duties of his position. Said expense allowance shall be in addition to any and all other salary, compensation or expense allowance provided by law.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA  
COUNTY OF CHEROKEE

Before me, Al Shumaker a Notary Public in and for said county in said state personally appeared Joseph M. Shaw, Jr., who, being by me first duly sworn, deposes and says that he is publisher of the Cherokee County Herald, a newspaper published in the City of Centre, Alabama, in Cherokee County, Alabama; that the attached is a true, correct and complete copy of notice of local bill to be entitled an act as published in said newspaper once a week for four consecutive weeks, beginning on the 25th day of June, 1975, that said newspaper has been so published in said town for a period of more than fifty-two (52) consecutive weeks prior to the date of said publication and has a general circulation in said city and county; and that said newspaper has been entered as second class mail matter in the United States Post Office in said city for a period of more than fifty-two (52) consecutive weeks prior to the date of said publication.

JOE SHAW, JR.

Sworn to and subscribed before me this 29th day of July, 1975.

AL SHUMAKER,  
Notary Public.

Also:

By Mr. Rich:

H. 1438. To provide an additional expense allowance for the Clerk of the Circuit Court of Cherokee County.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL BILL

Notice is hereby given that the following local bill, or substance thereof, will be introduced at the present or next session of the Legislature of Alabama, and application for passage of said local bill be made in such session of the Legislature.



A BILL  
TO BE ENTITLED  
AN ACT

To provide an additional expense allowance for the Clerk of the Circuit Court of Cherokee County.

Be It Enacted by the Legislature of Alabama:

Section 1. The Clerk of the Circuit Court of Cherokee County is hereafter provided an additional expense allowance of one hundred dollars per month, to be paid out of the county treasury, to be expended in carrying out the duties of his position. Said expense allowance shall be in addition to any and all other salary, compensation or expense allowance provided by law.

Section 2. The expense allowance authorized under this Act and the expense allowance authorized under any prior Act shall terminate at the beginning of the next term of office of the Clerk of the Circuit Court of Cherokee County.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA  
COUNTY OF CHEROKEE

Before me, Al Shumaker a Notary Public and for said county in said state personally appeared Joseph M. Shaw, Jr., who, being by me first duly sworn, deposes and says that he is publisher of the Cherokee County Herald, a newspaper published in the City of Centre, Alabama, in Cherokee County, Alabama; that the attached is a true, correct and complete copy of notice of local bill to be entitled an act as published in said newspaper once a week for four consecutive weeks, beginning on the 25th day of June, 1975, that said newspaper has been so published in said town for a period of more than fifty-two (52) consecutive weeks prior to the date of said publication and has a general circulation in said city and county; and that said newspaper has been entered as second class mail matter in the United States Post Office in said city for a period of more than fifty-two (52) consecutive weeks prior to the date of said publication.

JOE SHAW, JR.

Sworn to and subscribed before me this 29th day of July, 1975.

AL SHUMAKER,  
Notary Public.

Also:

By Mr. Rich:

H. 1439. Relating to Cherokee County; to provide further for the salary of the Judge of Probate of Cherokee County.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL BILL

Notice is hereby given that the following local bill, or substance

thereof, will be introduced at the present or next session of the Legislature of Alabama, and application for passage of said local bill be made in such session of the Legislature.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Cherokee County; to provide further for the salary of the Judge of Probate of Cherokee County.

Be It Enacted by the Legislature of Alabama:

Section 1. Commencing with the next term of office of the Judge of Probate of Cherokee County his salary shall be \$10,000 per annum payable out of the county general fund as are the salaries of other county officials.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA  
COUNTY OF CHEROKEE

Before me, Al Shumaker a Notary Public in and for said county in said state personally appeared Joseph M. Shaw, Jr., who, being by me first duly sworn, deposes and says that he is publisher of the Cherokee County Herald, a newspaper published in the City of Centre, Alabama, in Cherokee County, Alabama; that the attached is a true, correct and complete copy of notice of local bill to be entitled an act as published in said newspaper once a week for four consecutive weeks, beginning on the 25th day of June, 1975, that said newspaper has been so published in said town for a period of more than fifty-two (52) consecutive weeks prior to the date of said publication and has a general circulation in said city and county; and that said newspaper has been entered as second class mail matter in the United States Post Office in said city for a period of more than fifty-two (52) consecutive weeks prior to the date of said publication.

JOE SHAW, JR.

Sworn to and subscribed before me this 29th day of July, 1975.

AL SHUMAKER,  
Notary Public.

Also:

By Mr. Rich:

H. 1440. Relating to Cherokee County: To provide further for the distribution of fines in certain cases.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL BILL

Notice is hereby given that the following local bill, or substance thereof, will be introduced at the present or next session of the Legislature

of Alabama, and application for passage of said local bill be made in such session of the Legislature.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Cherokee County: To provide further for the distribution of fines in certain cases.

Be It Enacted by the Legislature of Alabama:

Section 1. One half of all fines hereafter paid by persons convicted in the Cherokee County Court of violations of the rules of the road, or laws of this state relating to or regulating traffic or the operation of motor vehicles upon the highways of this state, in cases filed by any Alabama State Trooper, shall be paid into the fine and forfeiture fund of Cherokee County, Alabama, and the remainder shall be paid by the proper authority to the State Treasurer, who shall credit the same to the proper fund in the State Treasury.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA  
COUNTY OF CHEROKEE

Before me, Al Shumaker a Notary Public in and for said county in said state personally appeared Joseph M. Shaw, Jr., who, being by me first duly sworn, deposes and says that he is publisher of the Cherokee County Herald, a newspaper published in the City of Centre, Alabama, in Cherokee County, Alabama; that the attached is a true, correct and complete copy of notice of local bill to be entitled an act as published in said newspaper once a week for four consecutive weeks, beginning on the 25th day of June, 1975, that said newspaper has been so published in said town for a period of more than fifty-two (52) consecutive weeks prior to the date of said publication and has a general circulation in said city and county; and that said newspaper has been entered as second class mail matter in the United States Post Office in said city for a period of more than fifty-two (52) consecutive weeks prior to the date of said publication.

JOE SHAW, JR.

Sworn to and subscribed before me this 29th day of July, 1975.

AL SHUMAKER,  
Notary Public.

Also:

By Messrs. Holley and Folmar:

H. 1444. Relating to Coffee County; directing the county governing body to submit to the qualified electors of the county the question of whether the county commission shall be directed to establish a county public building authority to build a new courthouse in Elba and a new annex in Enterprise; providing for notice and holding of said election;

allowing the county governing body to levy a special tax to finance erection of such buildings if a majority of the qualified electors of the county voting at such election shall vote in favor of the erection of the said buildings.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Coffee County: Directing the county governing body to submit to the qualified electors of the county the question of whether the county commission shall be directed to establish a county public building authority to build a new courthouse in Elba and a new annex in Enterprise; providing for notice and holding of said election; allowing the county governing body to levy a special tax to finance erection of such buildings if a majority of the qualified electors of the county voting at such election shall vote in favor of the erection of the said buildings.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Coffee County shall provide for and order an election, to be held at the time of the general election, 1976. At such election the question of whether the county commission shall be directed to establish a county public building authority to build a new courthouse in Elba and a new annex in Enterprise, shall be submitted to the qualified electors of the county.

Section 2. Notice of such election shall be given by publication in a newspaper published in said county once a week for four successive weeks, which notice shall state the purpose for which the election is to be held, the time and place for holding the same and a description of the sites on which the new courthouse in Elba and the new annex in Enterprise are to be erected. Such notice shall be signed by the probate judge or chairman of the county commission.

Section 3. The ballot used at such election must be prepared by the probate judge, shall provide two choices, and shall contain the words "for erection of two courthouses; a courthouse in Elba on site . . . and erection of a courthouse annex in Enterprise on site . . ." (the description of each site to be shown in the blank spaces)

and

"against erection of two courthouses; a courthouse in Elba on site . . . and against erection of a courthouse annex in Enterprise on site . . ." (the description of each site to be shown in the blank spaces).

The voter shall indicate his choice by placing a cross mark before or after the one or the other. If a majority of the qualified electors of the county voting at such election shall vote in favor of the erection of the buildings, it is hereby mandatory upon the governing body to establish a county public building authority to proceed with the erection.

Section 4. In all respects the laws relating to the holding of elections in counties to determine whether county bonds may be issued shall govern and apply to elections held under this Act.

Section 5. If at any such election a majority of the qualified electors of the county voting at the election shall vote for the erection of a new courthouse in Elba and a new courthouse annex in Enterprise, the county governing body is directed to establish a Public Building Commission which shall let bids within one year after such election for the erection of the said buildings on the proposed sites. The county governing body may levy a special tax to finance erection of such buildings.

Section 6. This Act shall become null and void if the provisions of Title 12, Section 230 of the Code of Alabama 1940 are satisfied 60 days prior to the election set forth in this Act.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 9. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF COFFEE

Before me, the undersigned authority in and for said County in said State, this day personally appeared James L. Brackin, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor-Publisher of the Elba News, a newspaper of general circulation published in Coffee County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on 6-12-75, 6-19-75, 6-26-75, and 7-3-75, all in the year 1975.

JAMES L. BRACKIN.

Sworn to and subscribed before me 28 day of July, 1975.

GLANDA F. STOKES,  
Notary Public.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. B.'s 1411, 1436, 1437, 1438, 1439, 1440 and 1444. To the Committee on Local Legislation No. 1

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Pegues:

H. 87. To authorize and empower Recorders of municipalities of less than 300,000, according to the last or any subsequent federal census, to suspend sentences and grant probation to persons convicted of violating municipal ordinances; to authorize investigations; to authorize imposition of terms and conditions or probation; to authorize revocation of probation and re-arrest of defendants; to provide for the discharge of persons complying with the terms and conditions of probation; to require Recorders to file monthly reports with the governing body; and to preserve the pardon and parole power of the mayor.

Also:

By Mr. Campbell:

H. 115. To validate in certain cases municipal corporations attempted to be organized under the laws of Alabama which might be invalid because of any irregularity in the procedure for incorporation.

Also:

By Mr. McCluskey:

H. 217. To validate in certain cases elections heretofore held in municipalities or counties for the purpose of authorizing any special tax under the Constitution.

Also:

By Messrs. Manley, Pegues, Crowe, Killian, McCluskey, Waggoner, McNeese, Morris, Biddle, Cooper, Drake, Merrill, Higginbotham and Harrison:

H. 510. To amend Section 1 of Act No. 610, H. 811, Regular Session 1951 [Acts 1951, p. 1054, now appearing in Code of Alabama, Recompiled 1958, Title 51, Section 835], as amended, relating to license inspectors and their duties; so as to provide that the county commissions other like governing bodies of the several counties shall appoint a license inspector for each county and repeal conflicting statutes.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B. 87. To the Committee on Judiciary.

H. B.'s 115, 217 and 510. To the Committee on Local Government.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Falkenburg, Gafford, Jackson (R), Hopping, Waggoner, Armstrong, Hilliard, White, Trammell and Boles:

H. 1462. Fixing supplemental salaries for each District Court Judge in Jefferson County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

## NOTICE

Notice is hereby given of intention to apply at the Regular Session of the Legislature of Alabama of 1975 for the adoption of an Act which will be substantially as follows:

## AN ACT

Fixing supplemental salaries for each District Court Judge in Jefferson County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section I. There shall be paid to each District Court Judge in Jefferson County, Alabama, as supplemental salary to that paid by the State, in equal biweekly installments, such sums as the County Commission or other governing body of the County may from time to time determine to be necessary to make the annual salary of each District Court Judge in Jefferson County, Alabama, to be not less than \$29,500.00 nor more than \$33,500.00.

Section II. Such supplemental pay shall be fixed by said County Commission or other governing body for the District Court Judges in Jefferson County, Alabama, prior to the District Court Judges taking office in said County and bi-annually thereafter.

Section III. Said County Commission or other governing body is hereby authorized, empowered and directed to pay the supplemental salary provided herein to each such District Court Judge out of the general funds of the County or such other funds as may be available for such purpose.

Section IV. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section V. All laws or parts of law which conflict with this Act are repealed.

Section VI. This Act shall become effective immediately upon its passage and approved by the Governor, or upon its otherwise becoming a law.

## AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA  
JEFFERSON COUNTY

Before me, the undersigned authority in and for said County, in said State, personally appeared Eleanor Abercrombie Foster who, by me duly sworn, deposes and says that she is the Publisher of Alabama Messenger, (formerly the Alabama Legal Advertiser and the Birmingham Messenger), a weekly newspaper of general circulation, published and printed in Jefferson County, Alabama, and which has been in continuous weekly publication since 1918, And that there was published in said newspaper in the issues of July 5, 12, 19, 26, 1975, a legal notice, a copy of which is hereto attached.

ELEANOR ABERCROMBIE FOSTER,  
Publisher.

Sworn and subscribed to on this the 28th day of July, 1975.

KAREN W. ABERCROMBIE,  
Notary Public.

Also:

By Messrs. Carothers and Crawford:

H. 1064. To create the office of license commissioner in Houston County; to provide for his appointment and future election; to fix his compensation and allowance, prescribe his duties, define his powers and provide for the operation of his office.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To create the office of license commissioner in Houston County; to provide for his appointment and future election; to fix his compensation and allowance, prescribe his duties, define his powers and provide for the operation of his office.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created the office of license commissioner in Houston County. The first such license commissioner shall be appointed by an appointing authority consisting of the judge of probate, the chairman of the county commission, and the revenue commissioner and shall serve until his successor assumes office after the general election of 1978. Successors to the first license commissioner shall be elected at the general election in 1978 and every four years thereafter. He shall take office from the first Monday after the second Tuesday in January next succeeding his election.

Section 2. The office of license inspector provided for by the Code of Alabama 1940, Title 51, Section 835 is hereby abolished. The license commissioner shall enforce all laws concerning licenses and shall have the responsibility to see that the necessary licenses, and tags are purchased. The license commissioner shall have the authority to issue citations to insure that the necessary licenses or tags are purchased.



Section 3. The license commissioner shall be paid a salary of \$10,400 per annum payable in equal monthly installments from the general fund of the county. All penalties received from the general fund of the county. All penalties received from the sale of licenses or tags shall be returned to general fund of the county. In addition, the license commissioner shall be entitled to 12c per mile for the use of his personal vehicle in the performance of his duties.

Section 4. Suitable office space and all stationery, equipment, supplies and postage necessary for the conduct of the office shall be furnished by the governing body of the county to the commissioner of licenses except such stationery and supplies as the law now requires to be furnished by the state revenue department or the state comptroller.

Section 5. It is the intent and purpose of this act to insure that the license and tag laws of Houston County are followed by all and to provide the authority to enforce the same.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### STATE OF ALABAMA HOUSTON COUNTY

Before me, the undersigned authority in and for said County in said State, this day, personally appeared D. H. Dolson, who is known to me and who, being by me first duly sworn, deposes and says that he is Advertising Manager of The Dothan Eagle, a newspaper published at Dothan, in Houston County, Alabama, and that a copy of the attached advertisement appeared once a week for 4 successive weeks, on the following dates: June 2, 9, 16, 23, 1975 in the Dothan Eagle, which said Dothan Eagle has a general circulation in the County in which it is published and has been mailed under the second class mailing privileges of the United States Post Office Department from the post office where it is published for more than fifty-two (52) consecutive weeks prior to this publication.

D. H. DOLSON.

Sworn to and subscribed before me on this 26 day of June 1975.

SARAH C. BOYDE,  
Notary Public.

My Commission Expires 2-8-78.

Also:

By Mr. Kinsey:

H. 1512. To alter or rearrange the boundary lines of the Town of Gulf Shores, Baldwin County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Baldwin County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To alter or rearrange the boundary lines of the Town of Gulf Shores, Baldwin County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Baldwin County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the Town of Gulf Shores, Baldwin County, Alabama, be, and the same are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the Town of Gulf Shores, and, in addition thereto the following described territory, to-wit:

Beginning at the Southwest corner of Lot 67, Unit Six Subdivision, Gulf Shores, Alabama (Map Book 4, Page 199), Baldwin County Probate records), which point is located on the North margin (shore) of the Gulf of Mexico; thence run in a Northwesterly direction, along and with the west line of said Lot 67 to its intersection with the South R.O.W. line of Alabama Highway No. 182 (a-k-a West Gulf Shores Boulevard) and continue along an extension of the west line of said Lot 67 across Alabama Highway No. 182 a distance of 100 feet, more or less, to the Southwest corner of Lot 29, Lagoon Estates No. 2 Subdivision, Gulf Shores, Alabama (Map Book 4, Page 149), continue thence along the West line of said Lot 29 to the South margin or shore of Little Lagoon; turn thence to the left and run in a west-southwesterly direction, along and with the meanderings of the South shore of Little Lagoon to a point on said shore which is located (when measured at a right angle) 620 feet East of the West line of Governmental Lot "A", Section 27, Township 9 South, Range 3 East, turn thence to the left and run due south to a point on the North R-O-W line of Alabama Highway No. 182, turn thence to the right and run in a westerly direction, along and with the North R-O-W line of Alabama Highway No. 182 to a point which is located (when measured at a right angle) 1,320 feet West of the East line of Governmental Lot "B", Section 27, Township 9 South, Range 3 East, and which point is also the Southeast corner of Lot 1, Block "F", Baldwin Beach Properties Subdivision (Map Book 4, Page 230); turn thence to the right and run in a northerly direction, along and with the east line of said Lot 1, to a point on the South shore of Little Lagoon; turn thence to the left and run in a west-southwesterly direction, along and with the South shore of Little Lagoon to a point on said shore which is also the point of intersection of said shore and the West line of Governmental Lot "C", Section 29, Township 9 South, Range 3 East, as shown on THE OFFICIAL PLAT OF THE GOVERNMENT SURVEY OF TOWNSHIP 9 SOUTH, RANGE 3 EAST OF ST. STEPHENS MERIDIAN, and which point is also designated on said plat as being on the east side of the "mouth of Little Lagoon," turn thence to the left and run Southeastwardly, along and with the west line of said Lot "C" to its intersection with the North margin or shore of the Gulf of Mexico; turn thence to the left and run East-northeastwardly, along and with the North margin or shore of the Gulf of Mexico to the Southeast corner of Lot 1, Block "A," Baldwin Beach Properties Subdivision (Map Book 4, Page 230); turn thence to the left and run Northwardly along the East line of

said Lot 1 to a point on the south R-O-W line of Alabama Highway No. 182; turn thence to the right and run Eastwardly, along and with the said South R-O-W line of Alabama Highway No. 182 to a point which is located (when measured at a right angle) 620 feet East of the West line of Governmental Lot "A", Section 27, Township 9 South, Range 3 East; turn thence to the right and run due South to a point on the North margin or shore of the Gulf of Mexico; turn thence to the left and run East-Northeastwardly, along and with the meanderings of the North margin of the Gulf of Mexico to the Southwest corner of Lot 67, Unit Six Subdivision, which is the point of beginning.

Section 2. That this act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a "law."

#### AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA  
BALDWIN COUNTY

Spencer Longshore III, being duly sworn, deposes and says that he is the Editor of The Onlooker, a Weekly Newspaper published at Foley, Baldwin County, Alabama, that the notice hereto attached of Alter Boundary Line, town of Gulf Shores, was published in said newspaper for \_\_\_\_\_ consecutive weeks in the following issues: Date of 1st publication July 24, 1975; Date of 2nd publication 28, 1975; Date of 3rd publication Aug. 4, 1975; Date of 4th publication Aug. 11, 1975.

SPENCER LONGSHORE III,  
Editor.

Subscribed and sworn before the undersigned this 11 day of Aug., 1975.

MARY A. DAVIS,  
Notary Public, Baldwin County.

Also:

By Mr. Biddle:

H. 472. To amend Act No. 2309, Acts of Alabama, 1971 Regular Session, p. 3731, pertaining to hunting deer from public waters in this state, or at night, so as to provide for the confiscation and forfeiture of certain equipment used in committing said offenses.

Also:

By Mr. Pegues:

H. 86. To validate in certain cases elections heretofore held in municipalities or counties on the question of the issuance of bonds.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B. 1462. To the Committee on Local Legislation No. 2.

H. B.'s 1064 and 1512. To the Committee on Local Legislation No. 1.

H. B. 472. To the Committee on Conservation.

H. B. 86. To the Committee on Local Government.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Crawford and Whatley:

H. 979. Relating to the third judicial circuit; authorizing the district attorney to appoint an additional secretarial assistant and providing for the compensation of such secretary.

Also:

By Messrs. Folmar, Reed, Sasser and Whatley:

H. 1483. Providing that the counties comprising the Third Judicial Circuit shall increase the compensation of the circuit court reporter so that his total salary shall equal \$12,000 per annum.

Also:

By Messrs. Martin, Roberts, Cross and Drake:

H. 1511. Relating to Morgan County; to alter, rearrange and extend the boundary lines and corporate limits of the Town of Flint.

With notice and proof thereto attached and herewith exhibited as follows:

### STATE OF ALABAMA COUNTY OF

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

### A BILL TO BE ENTITLED AN ACT

Relating to Morgan County; to alter, rearrange and extend the boundary lines and corporate limits of the Town of Flint.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the Town of Flint in Morgan County are hereby altered, rearranged and extended so as to include within the corporate limits of the town, in addition to the area now embraced within the corporate limits of the town, the following described property:

Tract 1. A tract or parcel of land lying and being in the S  $\frac{1}{4}$  of Section 17, Township 6 South, Range 4 West and being more fully

described as follows: Beginning at the SW corner of said Section 17; thence NO degrees 36'30"E along the West line of said Section 17 a distance of 1030.01 feet; thence N89 degrees 46'30"E a distance of 975.94 feet to the true point of beginning; thence continuing N89 degrees 46'30"E a distance of 1394.58 feet; thence N82 degrees 52'E a distance of 65.9 feet; thence SO degrees 13'30"E a distance of 308.0 feet; thence N89 degrees 46'30"E a distance of 370.0 feet to a point on the Westerly margin of a county road; thence S8 degrees 04'30"E along the Westerly margin of said county road a distance of 363.38 feet; thence S89 degrees 46'30" W a distance of 751.3 feet; thence NO degrees 13'30" W a distance of 100.0 feet; thence S89 degrees 46'30" W a distance of 900.0 feet; thence NO degrees 13'30" W a distance of 200.0 feet; thence S89 degrees 46'30" W a distance of 229.7 feet; thence NO degrees 13'30" W a distance of 360.0 feet to the true point of beginning and containing 21.7 acres, more or less.

Tract 2. A tract or parcel of land lying and being in the S  $\frac{1}{2}$  of the SW  $\frac{1}{4}$ , Section 17, Township 6 South, Range 4 West and the NW  $\frac{1}{4}$  of Section 20, Township 6 South, Range 4 West, Morgan County, Alabama and being more fully described as follows:

Beginning at the SW Corner of said Section 17, thence NO degrees 36'30"E along the west line of said Section 17 a distance of 670.01 feet; thence N89 degrees 46'30"E a distance of 700.00 feet to the true point of beginning; thence continuing N89 degrees 46'30"E a distance of 510.00 feet; thence SO degrees 13'30"E a distance of 200.00 feet; thence N89 degrees 46'30"E a distance of 900.00 feet; thence SO degrees 13'30"E a distance of 100.00 feet; thence N89 degrees 46'30"E a distance of 260.00 feet; thence SO degrees 13'30"E a distance of 200.00 feet; thence N89 degrees 46'30"E a distance of 33.39 feet; thence S1 degrees 11'30"W a distance of 1495.06 feet; thence N88 degrees 03'30"W a distance of 446.82 feet; thence NO degrees 13'30"W a distance of 597.66 feet; thence S89 degrees 46'30" W a distance of 35.00 feet; thence NO degrees 13'30" W a distance of 720.00 feet; thence S89 degrees 46'30"W a distance of 700.00 feet; thence SO degrees 13'30"E a distance of 720.00 feet; thence S89 degrees 46'30"W a distance of 25.00 feet; thence SO degrees 13'30"E a distance of 811.37 feet; thence N88 degrees 41'30"W a distance of 460.14 feet; thence NO degrees 13'30"W a distance of 2178.96 feet to the true point of beginning, lying in the S  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  Section 17 and the NW  $\frac{1}{4}$  of Section 20, Township 6 South, Range 4 West and containing 50.70 acres, more or less.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### PROOF OF PUBLICATION

#### STATE OF ALABAMA COUNTY OF MORGAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared S. D. Nettles, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Controller of the Decatur Daily, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without

cost to the State of Alabama, said notice having appeared in the issues of said paper on July 17, July 24, July 31, and Aug. 7, all in the year 1975.

S. D. NETTLES.

Sworn to and subscribed before me August 8, 1975.

LUCY L. FERGUSON,  
Notary Public.

Also:

By Messrs. Carothers, Smith (J) and Crawford:

H. 1544. To amend Section 1 of Act No. 631, H. 1738, Regular Session 1973, (Acts 1973, p. 939) which relates to the compensation of certain officers of Houston County.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF HOUSTON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 1 of Act No. 631, H. 1738, Regular Session 1973, (Acts 1973, p. 939) which relates to the compensation of certain officers of Houston County.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 631, H. 1738, Regular Session 1973, (Acts 1973, p. 939), is hereby amended to read as follows:

"Section 1. The following officers of Houston County, Alabama, each shall be entitled to an annual salary as follows:

"(a) For Clerk Circuit Court, an annual salary of Fifteen Thousand Dollars (\$15,000).

"(b) For Register of the Circuit Court, an annual salary of Fourteen Thousand Dollars (\$14,000)."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA  
HOUSTON COUNTY

Before me, the undersigned authority in and for said County in said State, this day, personally appeared D. H. Dolson, who is known to me and who, being by me first duly sworn, deposes and says that he is Advertising Manager of The Dothan Eagle, a newspaper published at Dothan, in Houston County, Alabama, and that a copy of the attached advertisement

appeared once a week for 4 successive weeks, on the following dates: May 4, 13, 20, 27, 1975, in the Dothan Eagle, which said Dothan Eagle has a general circulation in the county in which it is published and has been mailed under the second class mailing privileges of the United States Post Office Department from the post office where it is published for more than fifty-two (52) consecutive weeks prior to this publication.

D. H. DOLSON.

Sworn to and subscribed before me on this 3 day of June 1975.

SARAH C. BOYDE,  
Notary Public.

My Commission Expires 2-8-78.

Also:

By Messrs. Boles, Hall, Biddle, Andrews, Moore (O), Hilliard, Hopping, Trammell and Armstrong:

H. 802. To further amend Act No. 556 of the Regular Session of the Legislature of Alabama of 1959 (Ala. Acts, 1959, p. 1376), as heretofore amended, which Act established a Pension and Relief or Retirement and Relief System for firemen and policemen who are members of any Pension and Relief System heretofore or hereafter established under Act No. 929 of the Regular Session of the Legislature of 1951 (Ala. Acts 1951, p. 1579), as amended, which 1951 Act established a Pension System for officers and employees of each city of the State having a population of 250,000 or more, according to the last federal census.

Also:

By Mr. McNees:

H. 1546. To alter, rearrange, and extend the boundary lines and corporate limits of the town of Belk in Fayette County, Alabama, so as to annex certain territory to the Town of Belk, in Fayette County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

**STATE OF ALABAMA  
COUNTY OF FAYETTE**

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

**A BILL  
TO BE ENTITLED  
AN ACT**

To alter, rearrange, and extend the boundary lines and corporate limits of the town of Belk in Fayette County, Alabama, so as to annex certain territory to the Town of Belk, in Fayette County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the town of Belk, Alabama, are hereby altered, rearranged, and extended so as to include within the corporate limits of the said town of Belk Alabama, the

following described territory or area in Fayette County, Alabama, more particularly described as follows:

1) Northeast 1/4 of Northwest 1/4; South 1/2 of Northwest 1/4 of Northwest 1/4; Southwest 1/4 of Northwest 1/4; West 1/2 of Southeast 1/4 of Northwest 1/4; Northwest 1/4; of Southwest 1/4; West 1/2 of Northeast 1/4 of Southwest 1/4; and West 1/2 of Southwest 1/4 of Southwest 1/4, Section 17, Township 16 South, Range 13 west.

2) East 1/2 of Southeast 1/4 of Southeast 1/4 Section 18, Township 16 South, Range 13 West.

3) West 1/2 of West 1/2 of Northwest 1/4; West 1/2 of West 1/2 of Southwest 1/4, Section 20, Township 16 South, Range 13 west.

4) West 1/2 of Northeast 1/4 of Northeast 1/4; Northwest 1/4 of Southeast 1/4 of Northeast 1/4; Southwest 1/4 of Northeast 1/4; Northwest 1/4 of Southeast 1/4, Section 30, Township 16 South, Range 13 west.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### STATE OF ALABAMA COUNTY OF FAYETTE

Before me, a Notary Public, personally appeared Jack Black who being duly sworn, deposes to say that he is Publisher of the Fayette County Broadcaster and that the legal advertisement was published in said newspaper on the following dates: July 17, 1975; July 24, 1975; July 31, 1975; August 8, 1975.

JACK BLACK.

Sworn to and subscribed before me this 11 day of August, 1975.

In testimony whereof I have hereto set my hand and seal.

ELOISE PHOMLEY,  
Notary Public.

Also:

By Messrs. Boles, Hopping, Hall, Andrews and Trammell:

H. 1317. To amend Act Number 453 of the 1967 Regular Session of the Legislature of Alabama (1967 Acts of Alabama, Page 1129, et seq.), entitled "An Act to create in each city of the State of Alabama having a population of three hundred thousand or more according to the last and any subsequent Federal census a pension and relief fund for officers and employees of the Library board of such city and for the widows and dependents of such officers and employees, to provide for a custodian of such fund and to provide for the investment, protection, management and



distribution of such fund by a board of managers created for such purpose," To make such act applicable in each city of the State of Alabama having a population of two hundred and fifty thousand or more, to increase benefits payable from such fund to qualified employees upon disability or retirement, to limit loans from such fund to qualified employees, to increase the size of the board of managers of such fund, and to give the library board of such city the option to expand the coverage of such fund to additional employees and to provide for credit for prior service to qualified employees by extending creditable time.

Also:

By Messrs. Harrison, Andrews, McNair, Howard, Boles, Jolly, Waggoner, Armstrong, Hall, Leonard, Hilliard, Trammell, Moore (O), White, Falkenburg, Biddle, Hopping, Gafford and Tucker:

H. 1397. To provide further for the compensation of certain election officers and workers in counties which have a population in excess of 500,000, according to the most recent federal decennial census, and to repeal all conflicting statutes.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B.'s 979, 1483, 1511, 1544 and 1546. To the Committee on Local Legislation No. 1.

H. B.'s 802, 1317 and 1397. To the Committee on Local Legislation No. 2.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Manley, Pegues, Crowe, Killian, McCluskey, Waggoner, McNees, Morris, Biddle, Cooper, Drake, Merrill, Higginbotham and Harrison:

H. 509. To provide further for the selection and appointment of the members of the several jury commissions by prescribing that the county commissions or other like governing bodies shall select and appoint the members of the said commission for terms that coincide with that of the Governor and to repeal Code of Alabama 1940, Title 30, Section 10, and other conflicting laws.

Also:

By Mr. Callahan:

H. 572. To provide that any county or municipality within this state shall have the authority to assist any other county or municipality within this state through assignment of firemen, policemen, or other law

enforcement officers, on a voluntary basis, for undercover work to suppress criminal activities; to provide that any such county or municipality may pay all or any part of the hospital bills, doctors' bills, medical expenses and other related expenses incurred by any firemen, policemen, or other law enforcement officers in the performance of their duty in the county or municipality by which he is employed or in any other place either in or out of this state.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B. 509. To the Committee on Local Government.

H. B. 572. To the Committee on Judiciary.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Armstrong, Hilliard, Ford and Glass:

H. 316. To amend Act No. 246, Page 203, Acts of 1943, which relates to the investment of funds of counties, cities and towns so as to provide that a savings and loan association, organized either under the laws of the State of Alabama or of the United States may be appointed as a depository of municipal or county funds.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 316. To the Committee on Banking.

#### REPORTS OF COMMITTEES

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Wilson, Waldrop, Stewart, Fine, St. John, Gilmore, Foshee, Pearson, Clemon, Bank, Vacca, Powell, Flippo, Owen, McMillan, Adams, Ellis, Mitchell, Mims, Edwards, Littleton and Perloff:

S. 1040. To amend Section 259, subsection (d) of Section 262, Section 263, Section 272, Section 279, Section 283, Section 289, Section 293, Section 299, Section 312, all being of Chapter 5 Title 26, Code of

Alabama 1940, as amended, Sections 7, 13, and 17 of Act No. 180, adopted at the 1951 Regular Session of the Legislature of Alabama, as amended, Sections 6, 12, and 16 of Act No. 521, adopted at the 1967 Regular Session of the Legislature of Alabama, as amended, and Sections 6, 12 and 16 of Act No. 668, adopted at the 1971 Regular Session of the Legislature of Alabama, as amended, relating to extraterritorial coverage of employees subject to the workmen's compensation laws of Alabama, providing compulsory coverage for employers who do not regularly employ less than three employees, extending immunity from suit by employees to other employees of the employer, to the employer's workmen's compensation insurance carrier and to certain persons or unions making safety inspections, defining permanent total disability and extending benefits for permanent total disability for the duration of the disability, fixing the employer's and the second injury trust fund's liability in the event a second injury produces permanent total disability, permitting credit for the payment of benefits for temporary total disability against the compensation payable for permanent partial disability resulting from an unscheduled injury only, providing for vocational rehabilitation under certain circumstances, establishing the effect of the procurement of gainful employment on permanent total disability benefits, increasing the percentage of a decedent's employee's average weekly wages to which one dependent is entitled, fixing the minimum weekly benefit at 25% of the average weekly wage of the state as determined by the director of industrial relations and the maximum weekly benefit at 66-2/3% of such average weekly wage, and providing for certain periodic changes in the minimum and maximum weekly benefit and the total amount of compensation payable, eliminating any time or dollar limit for compensable medical expenses and giving an employee the right to reject the first two physicians selected by the employer, establishing the effect of the recovery of damages from a third party by an employee suffering a permanent total disability, permitting lump sum payments of compensation with commutation upon approval of the court and by agreement of the parties and amending the acts providing for compensation for occupational pneumoconiosis, occupational exposure to radiation, and certain occupational disease to make the amendments described above applicable to those acts, all relating to the statutory plan for the compensation of employees for job-related injuries and certain illnesses and diseases.

By Messrs. Wilson, Waldrop, Stewart, Fine, St. John, Gilmore, Foshee, Pearson, Clemon, Bank, Vacca, Powell, Flippo, Owen, McMillan, Adams, Ellis, Mitchell, Mims, Edwards, Littleton, and Perloff:

S. 1039. To amend Subsections D and K of Section 186, Section 191, Section 194, Subsection C of Section 201, Section 204, Section 207, Subsections D and E of Section 213, Subsections B and C of Section 214, Subsection D of Section 216, Subsection C of Section 218, and Subsections B and C of Section 224, Title 26, Chapter 4, Code of Alabama 1940, as last amended.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Callahan (With Amendment):

H. 571. Pursuant to provisions of Section 155, Article VI of the Constitution of Alabama as amended (Section 6.16 of Amendment CCCXXVIII, proclaimed December 27, 1973), this bill creates and provides for Supernumerary-Retired Probate Judges in counties having a population of 300,000 and over, according to the last or any subsequent federal census, similar to and equal with provisions of law for Circuit Judges in such counties, and provides for continuation of service; creates and establishes the Probate Judges Retirement Fund in such counties for the purpose of providing for the payment of retirement and disability benefits for such judicial officers; prescribing the qualifications, term, duties, powers, authority, compensation and benefits of any such county Supernumerary-Retired Probate Judge of such counties; providing for payment of contributions into such fund by any eligible probate judge and for payments out of the county general fund or from fees and commissions collected by the probate court and paid into the county general fund. It provides for carrying out the provisions of this Act, and regulates the administration and supervision thereof.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Torbert, Little, Foshee and Mims (With Substitute):

S. 564. To make appropriations from the state treasury to the use of the Board of Trustees of Auburn University located in Auburn, Alabama for capital outlay purposes.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. King:

S. 256. Relating to taxation, exempting Grace Club Auxiliary of Huntsville, Inc., a non-profit corporation organized and existing under the laws of the state of Alabama, and its departments and agencies from the levy of the state sales and use taxes.

By Mr. Waggoner:

H. 614. To make an appropriation from the State General Fund to the Alabama Travel Council for the remainder of the fiscal year ending September 30, 1975.

By Mr. Johnson:

H. 617. To make an appropriation for capital outlay purposes at the University of Alabama, University, Alabama for the fiscal year ending September 30, 1975.

By Mr. Noonan:

S. 471. To exempt the Little Sisters of the Poor Home For the Aged, Inc. from the payment of all state, county and municipal sales and use taxes.

By Mr. Foshee:

S. 1009. Relating to sale and use taxes; to exempt the Bass Research Foundation from the payment of all state, county and municipal sales and use taxes.

By Mr. Adams:

S. 1014. To exempt the Alabama Federation of Business and Professional Women's Clubs, Inc. from the payment of all state, county and municipal sales and use taxes.

By Mr. Crawford:

H. 1472. To further amend Section 5 of Act No. 21, H. 28, 1969 Extraordinary Session (Acts of 1969, p. 46; now appearing in Code of Alabama, Recompiled 1958, Title 51, Section 188 (5) ), as amended, entitled "An Act To raise revenue; to levy a privilege or license tax against certain persons and utilities on account of the furnishing of certain utility services; to prescribe the rates thereof and exclusions therefrom; to provide for issuance of a utility license; to provide the method of collecting such tax and the method of enforcing payment thereof; to provide for the disposition of the proceeds from the said tax; and to repeal all laws in conflict with this Act;" so as to exclude gross sales and gross receipts derived from electricity used or consumed in a process for the isotopic enrichment of uranium and certain other uses.

By Mr. Wilson:

S. 1070. Relating to the 14th Judicial Circuit; to provide for an additional Circuit Judge in such Circuit; defining his jurisdiction, powers, rights and authority; his qualifications and duties; to set his compensation and providing for the appointment of a bailiff and court reporter.

By Messrs. Jones, Wilson and Owen:

S. 418. To provide salary increases for certain state employees; and to appropriate funds therefor.

By Messrs. Pearson, McMillan, Torbert, St. John, Fine, Clemon, Roberts, Weaver, Perloff, Waldrop, Bank, Jones and Ellis:

S. 300. To amend Act No. 37, H. 175, Special Session 1969 (Acts 1969, p. 88) as amended and as also appearing as Title 51, Sections 188 (10) -188 (18), Code of Alabama, 1940, which relates to the levy of a service use tax on utilities, so as to exclude public schools of this state from the provisions of said act.

By Messrs. Pearson, Givhan, Ellis, Clemon and McMillan:

S. 309. To appropriate from the State Treasury one hundred and fifty thousand dollars (\$150,000.00) to Agricultural and Industrial Exhibit Commission for the construction, furnishing and equipment of a Swine Pavilion at the Alabama State Fairgrounds.

By Messrs. Mitchell, Powell, Fine, Foshee, Shelby, Bank, Stewart, King, Flipppo, McDonald (S), Mims, Little, Roberts, Noonan, Givhan, Ellis, McMillan, Adams, Pearson, Torbert, McDonald (A), Weaver, Clemon and Baker:

S. 1058. To amend Title 15, Section 44, Code of Alabama, to provide that in cases involving the murder, attempted murder, assassination or

attempted assassination of any member of the judiciary, state or other public official, or of any law enforcement officer the governor is authorized to increase the reward for information leading to the arrest of the felon up to \$10,000.00; effective retroactively.

By Mr. Mitchell:

S. 173. To exempt The Good Neighbors Citizens Band Radio Club, Inc. from the payment of all state, county, and municipal sales and use taxes and provide for retroactive effect.

By Messrs. Pearson, McMillan, Torbert, St. John, Fine, Clemon, Roberts, Weaver, Perloff, Waldrop, Bank, Jones and Ellis:

S. 301. To amend Act No. 21, H. 28, Special Session 1969 (Acts 1969, p. 46) as amended and as also appearing as Title 51, Sections 188 (1) - 188 (9), Code of Alabama, 1940, which relates to the levying of a gross receipts tax on utilities, so as to exclude public schools of this state from the provisions of said act.

By Mr. McMillan:

S. 908. To amend Section 61 of the Alabama Non-Profit Corporation Act of 1955 (Acts of 1955, p. 1254; now appearing in Code of Alabama, Recompiled 1958, Title 10, Section 263), so as to provide further for the availability of its provisions to existing corporations.

By Mr. Adams:

S. 1053. To name the gymnasium at George C. Wallace State Community College after Mrs. Annie Lee Cherry.

By Mr. Shelby:

S. 1036. To create an additional judgeship for the Sixth Judicial Circuit of Alabama and provide for the election, term, compensation, powers, duties and authority of such judge.

By Messrs. Littleton and Pearson:

S. 1012. Further amending Act No. 47, Special Session 1961 (Acts 1961, p. 1904) now appearing in Alabama Code, Recompiled 1958, as Title 51, Section 12 (2); providing exemptions from taxation and licensing of certain charitable, religious, or civic organizations.

By Mr. Jones:

S. 941. To exempt the Southeastern Livestock Exposition, Inc. from the payment of all state, county, and municipal sales and use taxes.

By Mr. King:

S. 251. Relating to taxation; exempting Huntsville-Madison County Multipurpose Senior Center, Inc. and the Huntsville Interfaith Volunteer Transportation Service, Inc. of Huntsville, Alabama, non-profit corporations organized and existing under the laws of the State of Alabama, and their departments and agencies from the levy of state sales and use taxes.

By Messrs. Ellis, Pearson, Littleton, Fine, Foshee, Jones, Mims, Noonan, Givhan, Clemon, Vacca, Roberts, McMillan and Gilmore:

S. 529. Relating to sale and use taxes; to exempt the Alabama Sight Conservation Association and Goodwill Industries from the payment of all state, county and municipal sales and use taxes.

By Messrs. Shelby and Bank:

S. 347. Further amending Section 1 of Act No. 47, Special Session 1961 (Acts 1961, p. 1904) now appearing in Code of Alabama, Recompiled 1958, as Title 51, Section 12(2); providing exemptions from taxation and licensing of certain charitable, religious, or civic organizations.

By Mr. Jones:

S. 514. To exempt the Group Homes for Children of Montgomery, Incorporated, and its property from state, county, and municipal taxes, licenses, fees, and excises, under certain conditions.

By Mr. Noonan:

S. 472. To exempt the Allen Memorial Home, Inc. from the payment of all state, county and municipal sales and use taxes.

By Mr. Roberts:

S. 482. Relating to revenue, exempting the Alabama chapter of The Saint Vincent De Paul Society from the state sales and use taxes.

By Mr. Roberts:

S. 767. To declare the Alabama Chapter of the Leukemia Society of America, Inc. an eleemosynary organization, and as such to exempt said Society from the payment of all state, county and municipal sales and use taxes.

By Mr. Noonan:

S. 708. To exempt the Catholic Social Services and all agencies or divisions thereof from the payment of all state, county and municipal sales and use taxes.

By Mr. Pearson:

S. 779. Further amending Act No. 47, Special Session 1961 (Acts 1961, p. 1904) now appearing in Alabama Code, Recompiled 1958, as Title 51, Section 12 (2); providing exemptions from taxation and licensing of certain charitable, religious, or civic organizations.

By Mr. Owen:

S. 857. To exempt the Abba Temple Shrine from the payment of all state, county and municipal sales and use taxes.

By Messrs. Gilmore, Vacca, Pearson, McMillan, Wilson, Clemon and Littleton:

S. 904. To exempt the Baptist Hospitals Foundation of Birmingham, Inc. from the payment of all state, county and municipal sales and use taxes.

By Mr. Jones:

S. 940. To exempt the South Alabama State Fair Association, Inc. from the payment of all state, county, and municipal sales and use taxes.

By Messrs. Ellis and Pearson:

S. 924. To amend Section 4 of Act No. 712, H. 48, Acts of Alabama 1951 (Acts 1951, Vol. II, p. 1250) relating to tourist advertising, to permit intra-state advertising of state-owned parks by bureau of publicity and information.

Mr. McDonald (S), Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Mitchell, Powell, Torbert, Foshee, Shelby, Mims, Flippo and Jones:

S. 433. To amend Section 367 of Title 52 Code of Alabama of 1940, as amended, which relates to the administration of the Teachers' Retirement System of Alabama; to provide that the election of certain trustees to the Board of Control of the Teachers' Retirement System be accomplished by an annual statewide election, conducted under the rules, regulations and supervision of said Board of Control; to provide that each member of the Retirement System shall be eligible to vote for each position subject to election; and to provide for the admissibility of microfilmed records.

Mr. McDonald (S), Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Mitchell, McDonald (S), Jones, Powell, Givhan, Mims, Torbert, Foshee and Perry (With Substitute):

S. 746. To amend Act No. 174, S. 94, Third Special Session 1971 (Acts 1971, p. 4423), regulating facilities for child care so as to further define the term day care center.

Mr. Bank, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Mims:

S. 759. To amend Section 2, of Act No. 91, H. 70, 1961 Regular Session (Acts of Alabama, 1961, p. 105); Now appearing in the Code of Alabama 1940, Recompiled 1958, Title 49, Section 17 (31c), relating to the authority of the Commissioner of the State Department of Pensions and Security to destroy certain obsolete records, so as to reduce the retention requirement on certain case record material from ten to five years.

By Mr. Stewart:

S. 367. To amend Section 1 of Act No. 106, S. 13, 1971 Regular Session (Acts 1971, p. 373), which is the Alabama Exceptional Child Education Act, so as to include the profoundly retarded child under the provisions of the act.



By Mr. McMillan:

S. 1052. To expressly repeal a portion of Section 3, Act No. 1948, H.1151, 1971 Acts, page 3146, approved September 20, 1971.

Mr. Bank, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Mitchell and Bank (With Amendment):

S. 787. To provide that certain physically disabled persons may be granted distinctive license plates; to provide for special parking privileges for these disabled drivers; and to provide penalties for the violation of this Act.

By Mr. Gafford (With Amendments):

H. 42. To allow for the lawful dispensing by any food-service establishment of sugar in containers other than individual, single service packages.

Mr. Bank, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Fine:

S. 772. To provide for a treatment program for persons suffering from hemophilia and related diseases, and the administration therefor.

Mr. Gilmore, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Gafford, et al (With Amendment):

H. 384. Pursuant to provisions of Section 155, Article VI of the Constitution of Alabama as amended (Section 6.16 of Amendment CCCXXVIII, proclaimed December 27, 1973), this bill creates and provides for Supernumerary-Retired Probate Judges in counties having a population of 600,000 and over, according to the last or any subsequent federal census, similar to and equal with provisions of law for Circuit Judges in such counties, and provides for continuation of service; creates and establishes the Probate Judges Retirement Fund in such counties for the purpose of providing for the payment of retirement and disability benefits for such judicial officers; prescribing the qualifications, term, duties, powers, authority, compensation and benefits of any such county Supernumerary-Retired Probate Judge of such counties; providing for payment of contributions into such fund by any eligible probate judge and for payments out of the county general fund or from fees and commissions collected by the probate court and paid into the county general fund. It provides for carrying out the provisions of this Act, and regulates the administration and supervision thereof.

## BILLS RE-COMMITTED

Mr. Owen moved that the Bills, H. B.'s 805, 243, 1013, 1384, 244 and 1012, be removed from the Calendar and re-committed, which motion was adopted.

And the President and Presiding Officer of the Senate ordered said Bills, H. B.'s 805, 243, 1013, 1384, 244 and 1012, re-committed to the Standing Committee on Local Legislation No. 1.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Merrill, Shelton and Burgess:

H. 1237. To amend further Section 5 of Act No. 592, S. 456, Regular Session 1953, as amended, an act providing a civil service system for the City of Anniston (Acts 1953, Vol. II, p. 838), in relation to the manner of appointing the members of the civil service board and to their qualifications.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF CALHOUN

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To amend further Section 5 of Act No. 592, S. 456, Regular Session 1953, as amended, an act providing a civil service system for the City of Anniston (Acts 1953, Vol. II, p. 838), in relation to the manner of appointing the members of the civil service board and to their qualifications.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act No. 592, S. 456, Regular Session 1953, an act providing a civil service system for the City of Anniston (Acts 1953, Vol. II, p. 838), as heretofore amended, is amended further to read as follows:

Section 5. There shall be the Civil Service Board of the City of Anniston, which shall be composed of three members. The members currently serving when this amendment becomes law shall serve out the terms for which they, respectively, have been theretofore appointed. Their successors, each, shall be appointed for terms of six years by the senator and the representative representing the City of Anniston in the Alabama Legislature. No person shall be appointed to the board who is not a resident and qualified elector of the City of Anniston and over the age of twenty-one years. No member of the board shall hold any office of profit

under the city. If any person actively solicits a position on the Civil Service Board, that shall disqualify him from being appointed. Members of the board shall take the constitutional oath of office, which shall be filed in the office of the probate judge. Vacancies on the board shall be filled, within thirty days after the vacancy occurs, for the unexpired term by the senator and the representative representing the City of Anniston in the Alabama Legislature in the same manner as original appointments. The members of the board shall elect a chairman and secretary from among their number. Any member of the board who becomes a candidate for or is elected to another public office vacates his office as a member of the board, and the mayor or other chief executive officer of the City of Anniston shall forthwith notify the senator and the representative, representing the City of Anniston in the Alabama Legislature, who shall fill the vacancy as provided in this section."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF CALHOUN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Phillip Sanguinetti, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was President of the The Anniston Star, a newspaper of general circulation published in Calhoun County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 21, June 23, June 30, and July 7, all in the year 1975.

PHILLIP SANGUINETTI.

Sworn to and subscribed before me July 11, 1975.

LOLA J. BRIGHT,  
Notary Public.

Also:

By Mr. Smith (J):

H. 1295. To provide for additional compensation for the official Court Reporters of the Twentieth Judicial Circuit of Alabama, for the performance of their official duties.

With notice and proof thereto attached and herewith exhibited as follows:

#### NOTICE OF PROPOSED LOCAL LEGISLATION

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To provide for additional compensation for the official Court Reporters of the Twentieth Judicial Circuit of Alabama, for the performance of their official duties.

Be It Enacted by the Legislature of Alabama:

The official Court Reporters of the Twentieth Judicial Circuit, composed of Houston and Henry Counties, shall receive, in addition to all other compensation provided by law, an additional compensation of \$2400.00 each per annum, which shall be payable in equal monthly installments, each County to pay its pro rata share of such salary based upon the assessed value of all taxable property of such County for the preceding year on certificates issued by the Judges of said Circuit in favor of said Court Reporters for the amount due by each County each month.

All laws or parts of laws which conflict with this Act are hereby repealed.

This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA  
HENRY COUNTY

Before me, Ann Marshall Peebles, a Notary Public in and for said County, in said State, personally appeared Nathalie S. Dodd, who is known to me, and who by me being duly sworn, deposes and says that she is the Co-publisher of The Abbeville Herald, a newspaper published in the town of Abbeville, County of Henry, State of Alabama; that the attached notice is a true and correct copy of the notice which was published in said newspaper for four consecutive weeks, on, to-wit: April 10, 1975; April 17, 1975; April 24, 1975; May 1, 1975, The Abbeville Herald.

NATHALIE S. DODD.

Sworn to and subscribed before me, this 1st day of May, 1975.

ANN MARSHALL PEEBLES,  
Notary Public.

STATE OF ALABAMA  
HOUSTON COUNTY

Before me, the undersigned authority in and for said County in said State, this day, personally appeared D. H. Dolson, who is known to me and who, being by me first duly sworn, deposes and says that he is Advertising Manager of The Dothan Eagle, a newspaper published at Dothan, in Houston County, Alabama, and that a copy of the attached advertisement appeared once a week for 4 successive weeks, on the following dates: March 26, April 2, 9 & 16, 1975, in the Dothan Eagle, which said Dothan Eagle has a general circulation in the County in which it is published and has been mailed under the second class mailing privileges of the United

States Post Office Department from the post office where it is published for more than fifty-two (52) consecutive weeks prior to this publication.

D. H. DOLSON.

Sworn to and subscribed before me on this 17 day of April 1975.

SARAH C. BOYDE,  
Notary Public.

My Commission Expires 2-8-78.

Also:

By Messrs. Taylor, Ford and Rich:

H. 1379. To repeal Act No. 164, H. 132, approved May 5, 1975, Third Special Session, 1975 entitled "An Act Relating to counties having a population of not less than 90,000, nor more than 100,000, according to the most recent federal decennial census; to authorize the County Commission, Board of Revenue or like governing body to impose an additional privilege or excise tax upon the sale, use or consumption of malt or brewed beverages within such counties; providing for the administration of the act and the collection and distribution of proceeds of the tax."

Also:

By Messrs. Taylor, Ford and Rich:

H. 1380. To repeal Act No. 209, H. 133, approved May 5, 1975, Third Special Session, 1975 entitled, "An Act Relating to counties having a population of not less than 90,000 nor more than 100,000, according to the most recent or any subsequent federal decennial census; authorizing the county commission, board of revenue or like governing body to impose a privilege or license tax upon the sale, distribution, storage, use or other consumption of cigarettes in such counties; providing for enforcement and collection of the tax, and making provisions for the distribution of the proceeds".

Also:

By Messrs. Shelton, Burgess, Merrill and Quarles:

H. 1401. To provide for the City of Piedmont in Calhoun County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the city; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF CALHOUN

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To provide for the City of Piedmont in Calhoun County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the city; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in the City of Piedmont in Calhoun County.

Section 2. As used in this act, unless the context clearly requires a different meaning: "city" means the City of Piedmont in Calhoun County; "employee" means any person including firemen and policemen, not expected by Section 3 of this act, who is employed in the service of the City of Piedmont; "board" means the civil service board created by this act; "appointing authority" means in the case of employees in the offices of the elected officers of the city, such elected officers; in the case of all other city employees, the city governing body, or the board or other agency supervising their work.

Section 3. The provisions of this act shall apply to all officers and employees in the service of the city or any board, agency or instrumentality thereof except: (a) elective officers; (b) members of appointive boards, commissions, and committees; (c) all employees of the city board of education engaged in the profession of teaching or in supervising teaching in the public schools; (d) attorneys, physicians, surgeons, nurses and dentists employed in their professional capacities and employees under the direct or indirect supervision of the Piedmont Hospital Board; (e) the judge of any court; (f) independent contractors receiving their remuneration from public funds under contracts awarded by competitive bidding; (g) any person whose employment is subject to the approval of the United States government or any agency thereof and (h) the secretary of the chief executive officer of the city.

Section 4. All employees of the city shall be governed by civil service rules and regulations prescribed in or promulgated pursuant to this act, administered by a civil service board, the creation of which is provided for in Section 5 hereof. Present employees shall remain in their respective employments during good behavior; but nothing herein shall be construed to prevent or preclude the removal of an employee for cause in the manner hereinafter provided; and such employees, except for appointment, shall be subject fully to the provisions of this act.

Section 5. There is hereby created the Civil Service Board of the City of Piedmont, which shall be composed of three members appointed by the members of the legislature who represent the City of Piedmont or any portion thereof. The following groups shall each submit the names of three nominees to said legislative delegation:

1. All employees of the gas, water, street sanitation and electric department.
2. All employees of the police and fire department.
3. The Mayor and City Council.

The legislative delegation shall appoint one member from the nominees submitted by each group. Apointees shall serve for terms of Two (2) years; Four (4) years and Six (6) years, respectively, or until his

successor is appointed. Thereafter, all appointees shall serve for a period of Six (6) years. Initial terms of office shall be determined by drawing names after nominees have been appointed. No person shall be appointed to the board who is not a resident and qualified elector of the City of Piedmont and over the age of twenty-five years.

Members of the board shall take the constitutional oath of office, which shall be filed in the office of the probate judge. Vacancies on the board shall be filled in the same manner as original appointments. The members of the board shall elect a chairman and secretary from among their number. Any member of the board who becomes a candidate for, or is elected or appointed to another public office vacates his office as a member of the board.

Section 6. Each member of the board shall be paid twenty dollars per month by the City of Piedmont. The board shall have power to appoint clerical assistance and engage legal counsel of its own choice.

Section 7. The board shall fix the times for its regular meetings; and it may hold special, adjourned or call meetings at any time. A majority of the members of the board shall constitute a quorum for the transaction of business. All meetings of the board shall be held in the city hall.

Section 8. The board shall keep minutes of its meetings and a record of all business transacted by it. Its records, except those the rules of the board require to be held confidential for reasons of public policy, shall be open for inspection by any resident of the city at all reasonable times.

Section 9. The board shall have power to make rules and regulations governing examinations, eligible registers, appointments, transfers, salaries, promotions, demotions, annual and sick leave, and such other matters as may be necessary to accomplish the purposes of this act. A rule or regulation may be made effective only after a public hearing is held on the proposal thereof and after a certified copy thereof has been filed with the city clerk. All employees shall be appointed upon a non-partisan merit basis. There shall not be appointed, and the board shall not examine, any person who is not a citizen of the United States. The board shall: 1) classify the different types of services to be performed in the service of the city; 2) prescribe qualifications, including those of education, training, and experience, for the appointees and incumbents of each class; 3) with the approval of the appointing authority, fix a maximum and minimum salary for each class; and 4) allocate each position in the service to its proper class. It shall provide for the periodic rating of employees according to their merit to determine whether they are maintaining standards of service. The board shall establish rules and regulations governing dismissals, suspensions, layoffs, terminations, and leaves of absence, and the severance of an employee's relationship with the city shall be in accordance with such regulations.

Section 10. The salary to be paid each subordinate employee shall be determined by his appointing authority; and the salary to be paid each department head employee shall be determined by the city governing body; but in every case the salary paid shall be within the pay plan and pay rules and regulations established by the board and shall be no more than the board approves. It shall be unlawful for any official or employee to draw or issue any warrant on the city treasury for the payment of salary to any employee covered by the provisions of this act unless the warrant is in an amount authorized by the board to be paid such employee. A sum paid

as salary contrary to the provisions of this section may be recovered in an action brought by any resident of the city against the official or employee who draws or issues the warrant, or against the sureties on his bond.

Section 11. The board shall make and keep a register of all persons eligible and available for appointment to each class of position in the service of the city, ranked according to ability; it is provided, however, that no examination shall be given and no register kept for positions to be filled by persons designated by the board as common laborers. Layoffs available for reemployment shall be placed at the head of the proper present and subsequent eligible registers in the inverse order of their terminations. Employees who voluntarily terminate their services may be granted reemployment status upon proper eligible registers under such circumstances and in such manner as may be provided for in the board's rules and regulations, subject, however, to stipulations of this section concerning layoffs. Persons desiring appointment may file applications with the board, and the board shall, from time to time, conduct examinations to test the ability of such applicants. All qualified applicants shall be examined, and examinations shall be public, competitive, and, subject to limitations specified by the board as to age, residence, health, height, weight, habits, moral character, and other factors pertinent to ability to discharge the duties of the position, open to all citizens of the United States. Examinations shall be practical in character and shall relate to those matters which test the ability of the person examined to discharge intelligently the duties of the position for which he applies. In no case shall an appointment be made from an eligible register which is more than two years old, and no eligible register shall be the result of more than one examination.

Section 12. Whenever a vacancy exists in any position in the service of the city, it shall be filled by appointment of one of the three persons who rank highest on the appropriate eligible register of the board or by transfer within the service of the city from another position of the same class. However, the ranking layoff of the same class shall be appointed in every instance. Whenever it is impossible for the board to certify eligible persons to a vacancy, the board may authorize the appointing authority to fill the vacancy temporarily pending the establishment of an eligible register. No such authorization may be given for longer than one hundred and twenty days, and no such employee shall have status under this act. All appointments, other than temporary appointments, shall be probationary for six months from the date of appointment. A probationary subordinate employee may be discharged by his appointing authority for unsatisfactory service at any time before the expiration of that period if the action is approved by the board; a probationary department head employee may be discharged or demoted similarly by his appointing authority upon approval by the board. After the expiration of the probationary period, an appointment shall become permanent.

Section 13. An appointing authority, shall have authority to suspend an employee for any personal misconduct, or fact, affecting or concerning his fitness or ability to perform his duties in the public interest. In the event an employee is suspended for more than thirty days, he shall be entitled to a public hearing by the board upon written demand filed within five days from the date of the order of suspension. If, after hearing, the board determines that the action of the appointing authority was not with cause, the suspension shall be revoked.



Section 14. a) The governing body of the city, any member of the governing body, or the head of any department or office can remove, discharge, or demote any employee, officer or official of the city who is subject to the provisions of this act and who is directly under such governing body, member thereof, or department head, provided that within five days a report in writing of such action is made to the board, giving the reason for such removal, discharge, or demotion. The employee shall have ten days from the time of notification of his discharge, removal, or demotion in which to appeal to the board. The board shall thereupon order the charges or complaint to be filed forthwith in writing and shall hold a hearing de novo on such charges. No permanent employee, officer, or official of the city whose employment comes within the jurisdiction of this act, and whose probationary period has been served, shall be removed, discharged, or demoted except for some personal misconduct, or fact, rendering his further tenure harmful to the public interest, or for some cause affecting or concerning his fitness or ability; and if such removal, discharge or demotion is appealed to the board, then the same will become final only after a hearing upon written charges or complaint has been had and after an opportunity has been given him appeal, the affected employee may be suspended; and after such hearing the board may order said employee reinstated, demoted, removed, discharged, or suspended, or take such other disciplinary action as in their judgment warranted by the evidence and under the law. Charges may be filed by any resident citizen of the city as follows: the charges must be in writing, must set forth succinctly the matters complained of, and must be sworn to before any member of the board or before any person authorized to administer oaths. Upon the receipt of such charges, the board, after due consideration, shall determine whether in its opinion it considers that the good of the service will be served by a trial thereon; and, if not, such charges may be dismissed by the board. If in the judgment of the board such charges are of a minor nature, such charges may be referred by the board to the proper department head who shall make an investigation of the charges and make his recommendation to the board within such time as the board may prescribe, as to what disciplinary action, if any, should be taken. After such recommendation is made by the department head and after due notice is given to the affected employee of the receipt of such recommendation, and the contents thereof, the board may, in its discretion, adopt and order executed the action recommended by the department head or any part thereof. However, if the complaint or the affected employee of the receipt of such recommendation and the contents thereof, the board may, in its discretion, adopt and order executed the action recommended by the department head or any part thereof. However, if the complainant or the affected employee, or both of them, objects to the recommendation of the department head, the board shall hold a public hearing de novo on the charges, and take such disciplinary action as in their judgment is warranted by the evidence and under the law. All hearings before the board shall be open to the public. All testimony given in all hearings before the board shall be taken down in shorthand by a stenographer. In all cases, the decision of the board shall be reduced to writing and entered in the record of the case. In all proceedings before the board, the city attorney may appear and prosecute all charges instituted by the city governing body or any member thereof or by any department head, when requested or directed to do so by such city governing body. It shall not be the duty of the city attorney to prosecute any charges brought by a private citizen. In all proceedings before the board, the city attorney may appear and represent the interests of the city, and he shall also give such legal advice and legal assistance to the board as may be requested by it.

The board and its specially authorized representatives shall have the power to administer oaths, take depositions, certify official acts, and issue subpoenas to compel the attendance of witnesses and production of papers necessary as evidence in connection with any hearing, investigation, or proceeding within the purview of this act. The chief of police or some other police officer of the city shall serve all processes of the board, and shall attend upon and preserve order at all public hearings conducted by the board. In case a person refuses to obey such subpoena, the board or its representative may invoke the aid of any circuit court in order that the testimony or evidence be produced. Upon proper showing, such court shall issue a subpoena or order requiring the person to circuit courts of this state, which fees shall be paid from the treasury of the city.

b) Any person aggrieved by a decision of the board may appeal such decision to the circuit court of Calhoun County in equity within thirty days from the rendition of such decision by the board. Review by the court shall be without a jury and be confined to the record, and to a determination of the questions of law presented; the board's finding of fact shall be final and conclusive.

Section 15. No employee shall make, solicit or receive any assessment, donation, subscription or contribution for any political purpose whatsoever, or be a member of a committee or an officer of a political party, or take any part in its management or affairs except to exercise his right as a citizen to express his opinion and cast his vote; no employee shall assist any candidate for nomination or election to public office, or make any public statement in support of or against any such candidate, or participate in any manner whatever in the campaign of any candidate in any general or primary election; and no employee shall receive any appointment or advancement as a reward for his support of a candidate for office or a political party; nor shall he be dismissed, suspended or reduced in rank or pay as punishment for his failure to support any candidate for political office.

Section 16. The compensation and all other expenses of the board arising under the provisions hereof shall be paid from funds of the city on the order of the board in the same manner as other city salaries and expenses are paid, provided, however, that the total expenditures in any one year shall not exceed Five Thousand Dollars (\$5,000.00) without the approval of the city governing body. The city governing body shall provide the board an office in the city hall, which shall be suitably equipped and furnished for the needs of the board, and telephone service, postage, office supplies and stationery.

Section 17. Any person in the service of the city by appointment under civil service rules or regulations who wilfully violates any of the provisions of this act, or any rule or regulation issued in pursuance thereof, shall be dismissed from service under the system and shall not be reappointed for two years.

Section 18. Any person who violates any of the provisions of this act shall be guilty of a misdemeanor.

Section 19. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 20. All laws or parts of laws which conflict with this act are repealed.

Section 21. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### PROOF OF PUBLICATION

#### STATE OF ALABAMA COUNTY OF CALHOUN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Cecil Weatherbee, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the The Piedmont Journal, a newspaper of general circulation published in Calhoun County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 3, July 10, July 17, and July 24, all in the year 1975.

CECIL WEATHERBEE.

Sworn to and subscribed before me July 24, 1975.

LANE WEATHERBEE,  
Notary Public.

Also:

By Messrs. Edwards and Plaster:

H. 1413. Relating to counties having a population of not less than 12,700 nor more than 13,100 inhabitants according to the most recent federal decennial census; to allow the governing body to set the mileage allowance for the coroner.

Also:

By Messrs. Carothers, Crawford and Smith (J):

H. 1421. Relating to all counties having populations of not less than 56,500, nor more than 59,000 inhabitants according to the most recent federal decennial census; increasing the compensation of the members of the jury commission.

Also:

By Messrs. Barron, Harris, Wyatt, Plaster, Lewis and Holmes:

H. 1139. Relating to the fifteenth judicial circuit, providing for two additional judicial circuit judges for such circuit, and creating a civil and a criminal division for said circuit.

With notice and proof thereto attached and herewith exhibited as follows:

#### A BILL TO BE ENTITLED AN ACT

Relating to the fifteenth judicial circuit, providing for two additional judicial circuit judges for such circuit, and creating a civil and a criminal division for said circuit.

**Be It Enacted by the Legislature of Alabama:**

**Section 1.** There are hereby created two additional judgeships for the fifteenth judicial circuit, the judges of which shall be appointed for the circuit by the governor within ten days after the effective date of this act, and who shall hold office until their successors are elected and qualified at the next general election for any state office. The successor judges so elected and qualified shall hold office until the following general election of circuit judges. At the first such general election for circuit judges held after the elections of the first two judges to fill the two judgeships hereby created, and every six years thereafter, a judge shall be elected to fill each such judgeship at the same election of other judges of the fifteenth judicial circuit.

The judges occupying the judgeships provided for herein shall have and exercise all the jurisdiction, power, rights and authority; shall possess all of the qualifications; shall perform all of the duties required; and shall be subject to all the pains and penalties of such office as the other circuit judges of the fifteenth judicial circuit are subject to.

The compensation of such judges shall be the same as, and paid under the same terms and manner, as that of other circuit judges in the fifteenth judicial circuit.

**Section 2.** The fifteenth judicial circuit shall hereafter be divided into two separate divisions: (1) the criminal division, and (2) the civil division, for the purpose of facilitating the judicial case load coming before the said judicial circuit court.

(a) The criminal division, which shall hear all criminal proceedings tried in the circuit, shall be composed of at least two circuit judges who shall be assigned to the said criminal division by the presiding judge of the fifteenth judicial circuit. The said presiding judge shall have the discretion to assign and re-assign judges to the criminal division, as well as to fill vacancies, so long as the said division is composed of at least two judges at all times.

(b) The civil division, which shall hear all civil actions coming before the court, shall have one or more circuit judges who shall be assigned by the presiding judge of the circuit in a similarly discretionary manner as the assignment of judges to the criminal division.

**Section 3.** All laws or parts of laws which conflict with this act are repealed.

**Section 4.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 5.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its other-wise becoming a law.

**STATE OF ALABAMA  
MONTGOMERY COUNTY**

Before me, Kathleen F. Meads, a Notary Public in and for the State and County aforesaid, personally appeared Betty K. Shine, who, first being duly sworn according to law, deposes and says that she is Bookkeeper for The Advertiser Company, publishers of The Montgomery Advertiser and

the Alabama Journal, and that the advertisement of Montgomery County Commission (A Bill to be entitled an Act) appeared in said publication The Alabama Journal June 6, 13, 20, 27, 1975.

BETTY K. SHINE.

Sworn and subscribed before me this 3rd day of July 1975.

KATHLEEN F. MEADS,  
Notary Public, Montgomery County, Alabama.

Also:

By Messrs. Moore (O) and Smith (C):

H. 1181. To repeal Act No. 1087, S. 900, 1969 Regular Session (Acts of 1969, p. 2022) entitled "An Act Relating to Shelby County; authorizing any bank situated within the county to open, establish, operate and maintain branch banks, branch offices or other places of business within a certain area within said county."

With notice and proof thereto attached and herewith exhibited as follows:

#### LEGAL NOTICE

STATE OF ALABAMA  
COUNTY OF SHELBY

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

To repeal Act No. 1087, S. 900, 1969 Regular Session (Acts of 1969, p. 2022) entitled "An Act Relating to Shelby County; authorizing any bank situated within the county to open, establish, operate and maintain branch banks, branch offices or other places of business within a certain area within said county."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1087, S. 900, 1969 Regular Session (Acts of 1969, p. 2022) entitled "An Act Relating to Shelby County; authorizing any bank situated within the county to open, establish, operate and maintain branch banks, branch offices or other places of business within a certain area within said county," is hereby repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF SHELBY

Before me, the undersigned authority in and for said County in said State, this day personally appeared Mildred White Wallace, who, being by

me first duly sworn, deposes and says that during the times herein mentioned she was Associate-Editor of the Shelby County Reporter, a newspaper of general circulation published in Columbiana, Shelby County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 12, June 19, June 26, and July 3, all in the year 1975.

MILDRED WHITE WALLACE.

Sworn to and subscribed before me July 5, 1975.

CONRAD M. FOWLER,  
Judge of Probate.

Also:

By Mr. Morris:

H. 424. Relating to the Fifth Judicial Circuit of Alabama; to provide for an investigator who shall be furnished with an automobile and other equipment necessary for the performance of investigative duties; to prescribe the investigator's powers, duties and authority and to fix his compensation and provide for the payment thereof.

Also:

By Messrs. Roberts, Starkey and Carter:

H. 557. To amend Section 2 of Act No. 357, S. 156, 1951 Regular Session [Acts 1951, p. 645; now appearing in Code of Alabama Recompiled 1958, Title 8, Section 44(2)] entitled "An Act To provide a penalty for giving false statement in purchasing hunting, fishing, seafood or fur-bearing animal licenses. To further provide a penalty for changing or altering such licenses. To provide a penalty for the lending, borrowing, selling, buying, renting or using the license of another" so as to make unlawful the back-dating or numbering of such licenses out of sequence.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B.'s 1237, 1295, 1379, 1380, 1401, 1413, 1421, 1139, 1181 and 424. To the Committee on Local Legislation No. 1.

H. B. 557. To the Committee on Conservation.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Armstrong, Jackson (R), Tucker, Hall, Waggoner, Hilliard, Trammell, Andrews, Biddle, Boles, Howard, Gafford, Jolly, Leonard, Hopping and Falkenburg:

H. 845. To provide for the appointment, duties and compensation of the First Assistant Deputy District Attorney, Second Assistant Deputy District Attorney, Third Assistant Deputy District Attorney and Fourth Assistant Deputy District Attorney in counties having a population of six hundred thousand or more, according to the last or any succeeding decennial federal census where the Deputy District Attorney is elected by the people.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To provide for the appointment, duties and compensation of the First Assistant Deputy District Attorney, Second Assistant Deputy District Attorney, Third Assistant Deputy District Attorney and Fourth Assistant Deputy District Attorney in counties having a population of six hundred thousand or more, according to the last or any succeeding decennial federal census where the Deputy District Attorney is elected by the people.

Be It Enacted by the Legislature of Alabama:

Section 1. In each county of the State of Alabama, having a population of six hundred thousand or more according to the last or any succeeding decennial federal census where the Deputy District Attorney is elected by the people, such Deputy District Attorney shall be authorized to appoint a First Assistant Deputy District Attorney. Such First Assistant Deputy District Attorney shall be qualified to practice law in the courts of this state and shall be a state officer. Such First Assistant Deputy District Attorney shall serve at the pleasure of the appointing Deputy District Attorney and shall perform such duties as the appointing Deputy District Attorney shall require. There shall be paid to the First Assistant Deputy District Attorney of each said county from the general treasury of the county in equal bi-weekly installments such an annual salary as that when added to the annual salary payable by the State of Alabama to the First Assistant Deputy District Attorney, the same will make the total annual salary of the First Assistant Deputy District Attorney Twenty two thousand dollars (\$22,000.00). The salary of the First Assistant Deputy District Attorney shall be increased five hundred dollars (\$500.00) each year such First Assistant Deputy District Attorney continues in such office to a maximum salary of Twenty four thousand five hundred dollars (\$24,500.00), it being the intent that this provision create an incentive for such officer to continue in such office.

Section 2. In each county of the State of Alabama, having a population of six hundred thousand or more according to the last or any succeeding decennial federal census where the Deputy District Attorney is elected by the people, such Deputy District Attorney shall be authorized to appoint a Second Assistant Deputy District Attorney. Such Second Assistant Deputy District Attorney shall be qualified to practice law in the courts of this state and shall be a state officer. Such Second Assistant Deputy District Attorney shall serve at the pleasure of the appointing Deputy District Attorney and shall perform such duties as the appointing Deputy District Attorney shall require. There shall be paid to the Second Assistant Deputy District Attorney of each said County from the general

treasury of the county in equal bi-weekly installments such an annual salary as that when added to the annual salary payable by the State of Alabama to the Second Assistant Deputy District Attorney, the same will make the total annual salary of the Second Assistant Deputy District Attorney Nineteen thousand five hundred dollars (\$19,500.00). The salary of the Second Assistant Deputy District Attorney shall be increased five hundred dollars (\$500.00) each year such Second Assistant Deputy District Attorney continues in such office to a maximum salary of Twenty two thousand dollars (\$22,000.00), it being the intent that this provision create an incentive for such officer to continue in such office.

Section 3. In each county of the State of Alabama, having a population of six hundred thousand or more according to the last or any succeeding decennial federal census where the Deputy District Attorney is elected by the people, such Deputy District Attorney shall be authorized to appoint a Third Assistant Deputy District Attorney. Such Third Assistant Deputy District Attorney shall be qualified to practice law in the courts of this state and shall be a state officer. Such Third Assistant Deputy District Attorney shall serve at the pleasure of the appointing Deputy District Attorney and shall perform such duties as the appointing Deputy District Attorney shall require. There shall be paid to the Third Assistant Deputy District Attorney of each said county from the general treasury of the county in equal bi-weekly installments such an annual salary as that when added to the annual salary payable by the State of Alabama to the Third Assistant Deputy District Attorney, the same will make the total annual salary of the Third Assistant Deputy District Attorney Seventeen thousand dollars (\$17,000.00). The salary of the Third Assistant Deputy District Attorney shall be increased five hundred dollars (\$500.00) each year such Third Assistant Deputy District Attorney continues in such office to a maximum salary of Nineteen thousand five hundred dollars (\$19,500.00), it being the intent that this provision create an incentive for such officer to continue in such office.

Section 4. In each county of the State of Alabama, having a population of six hundred thousand or more according to the last or any succeeding decennial federal census where the Deputy District Attorney is elected by the people, such Deputy District Attorney shall be authorized to appoint a Fourth Assistant Deputy District Attorney. Such Fourth Assistant Deputy District Attorney shall be qualified to practice law in the courts of this state and shall be a state officer. Such Fourth Assistant Deputy District Attorney shall serve at the pleasure of the appointing Deputy District Attorney and shall perform such duties as the appointing Deputy District Attorney shall require. There shall be paid to the Fourth Assistant Deputy District Attorney of each said county from the general treasury of the county in equal bi-weekly installments such an annual salary as that when added to the annual salary payable by the State of Alabama to the Fourth Assistant Deputy District Attorney, the same will make the total annual salary of the Fourth Assistant Deputy District Attorney Fourteen thousand five hundred dollars (\$14,500.00). The salary of the Fourth Assistant Deputy District Attorney shall be increased by five hundred dollars (\$500.00) each year such Fourth Assistant Deputy District Attorney continues in such office to a maximum salary of Seventeen thousand dollars (\$17,000.00), it being the intent that this provision create an incentive for such officer to continue in such office.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.



Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA  
JEFFERSON COUNTY

Before me, the undersigned Notary Public in and for the State and County aforesaid, personally appeared John M. McElroy, who being duly sworn, says on oath that he is Editor-Publisher of The Bessemer Advertiser, a newspaper published in the City of Bessemer, Jefferson County, Alabama, and that a legal notice was published for four weeks, consecutively, in said newspaper, a copy of which notice is hereto attached and made a part of this affidavit, and that the dates on which same was published were April 18, 25, May 2, 9, 1975, and that the amount indicated hereon is a true and correct statement of the charges for publishing said notice.

Affiant further states that said newspaper is a newspaper having a general circulation in the county in which it is published, and that it has been mailed under second class mailing privilege for fifty-two (52) consecutive weeks prior to the publication of the foregoing advertisement.

JOHN M. McELROY,  
Editor-Publisher.

Subscribed and sworn to before me this the 9th day of May, 1975.

JOHN E. SMITH,  
Notary Public.

Also:

By Messrs. Falkenburg, Trammell, Andrews, Harrison, Jolly, Leonard, White, Moore (O), Biddle and McNair:

H. 637. To amend Act No. 639 of the Regular Session of the Legislature of Alabama of 1973 (Acts, 1973, pages 946-948), which Act levied an additional pistol permit fee in counties having a population of 500,000 or more, according to the last or any subsequent federal decennial census and established a Sheriff's Fund and a Legislative Fund, so as to provide for the appropriation by the county governing body of said funds.

Also:

By Messrs. Gafford, Boles and Waggoner:

H. 1192. To apply in every county of the State having a population of 600,000 or more according to the last or any subsequent Federal Census; to define a city school district as any school district in the County the boundaries of which district are coterminous with the boundaries of a municipality; to provide that the County shall pay all expenses of any election on the levy of a proposed city school district tax; to provide that the municipality, or the City Board of Education, receiving such tax, or which would have received such tax if the levy had been approved at the election, shall reimburse the County for all such expenses paid by the

County; and to provide that the Act shall apply so as to require such reimbursement with respect to any election which has been held, or shall have been held, subsequent to the first day of January in that year wherein such County becomes subject to this Act.

Also:

By Messrs. Gafford, Waggoner, Biddle, Armstrong, Jolly, Moore (O), Trammell, McNair, Boles, Hall, Howard, White, Andrews, Leonard, Hopping, Hilliard, Harrison, and Falkenburg:

H. 505. Relating to all cities having populations of 300,000 or more inhabitants, according to the most recent federal decennial census, to prohibit the establishment of any private vocational, industrial, technical, or trade school within one hundred fifty feet of the boundaries upon which single-family or multiple-family residences are located, unless all such property owners consent; and certain exemptions thereto.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. B.'s 845, 637, 1192 and 505. To the Committee on Local Legislation No. 2.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Rich:

H. 1455. To amend Act No. 505 of the Regular Session of 1963 (Acts, 1963, page 1087), as amended by Act No. 1094 of the Regular Session of 1969 (Acts, 1969, page 2028), and by Act No. 848 of the Regular Session of 1971 (Acts, 1971, page 1610), which establish and provide for the operation of the Cherokee County Court, amending Sections 4, 7, 12 (b), 13 (a), and 13 (e) of such Act, so as to abolish trial by jury in both civil and criminal cases in said Cherokee County Court, and to further provide for jury trial by appeal to the Cherokee County Circuit Court and trial de novo in either civil or criminal cases so appealed; to further provide for authority of the Judge of the Cherokee County Court to suspend sentences, place defendants on probation, and remit fines and costs in all criminal cases tried before the Cherokee County Court; to further provide for the collection of a trial tax for cases docketed in the Cherokee County Court; and to further provide for the transfer to the Cherokee County Circuit Court all civil and criminal cases presently pending in the Cherokee County Court wherein a jury trial has been demanded.

With notice and proof thereto attached and herewith exhibited as follows:

## NOTICE OF LOCAL BILL

Notice is hereby given that the following local bill, or substance thereof, will be introduced at the present or next session of the Legislature of Alabama, and application for passage of said local bill be made in such session of the Legislature.

A BILL  
TO BE ENTITLED  
AN ACT

To amend Act No. 505 of the Regular Session of 1963 (Acts, 1963, page 1087), as amended by Act No. 1094 of the Regular Session of 1969 (Acts, 1969, page 2028), and by Act No. 848 of the Regular Session of 1971 (Acts, 1971, page 1610), which establish and provide for the operation of the Cherokee County Court, amending Sections 4, 7, 12(b), 13(a), and 13(e) of such Act, so as to abolish trial by jury in both civil and criminal cases in said Cherokee County Court, and to further provide for jury trial by appeal to the Cherokee County Circuit Court and trial de novo in either civil or criminal cases so appealed; to further provide for authority of the Judge of the Cherokee County Court to suspend sentences, place defendants on probation, and remit fines and costs in all criminal cases tried before the Cherokee County Court; to further provide for the collection of a trial tax for cases docketed in the Cherokee County Court; and to further provide for the transfer to the Cherokee County Circuit Court all civil and criminal cases presently pending in the Cherokee County Court wherein a jury trial has been demanded.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act No. 505 of the Regular Session of 1963 (Acts, 1963, page 1087) as amended by Act No. 848 of the Regular Session of 1971 (Acts, 1971, page 1610) which establish and provide for the operation of the Cherokee County Court, is hereby further amended as follows:

"Section 4. That said court shall be held at the courthouse of Cherokee County, Alabama, and that said court shall be open at all times for the trial of cases and transaction of business. The judge of said court may determine and fix the time of holding the sessions of said court for the trial of all cases, both civil and criminal; provided, however, that all non jury civil and criminal cases shall be called for trial at least once in each month. This section shall not be construed to prevent the continuance of any case in said court, by agreement of counsel or the parties on good cause shown to the court and when any cause is so continued to a specified time either for a cause shown to the court by agreement of the parties or counsel, it shall not be necessary to call said case until the expiration of the time to which it has been continued, and provided further that the court shall have the right and power to call extraordinary sessions of said court whenever, in the judgement of the court, the same are necessary."

Section 2. Section 7 of Act No. 505 of the Regular Session of 1963 (Acts, 1963, page 1087) which establishes and provides for the operation of the Cherokee County Court, is hereby amended by adding at the end of said section the following paragraph:

"A trial tax of three dollars is imposed in each case, civil and criminal, which is docketed in the Cherokee County Court, to be taxed and collected as other costs, and when collected to be paid by the clerk of such court into

the general funds of Cherokee County. This trial tax fee shall not be imposed or collected in any ancillary proceedings, such as garnishment process, resulting from prior proceedings in which said trial tax fee has been imposed."

Section 3. Section 12(b) of Act No. 505 of the Regular Session of 1963 (Acts, 1963, page 1087) as amended by Act No. 1094 of the Regular Session of 1969 (Acts, 1969, page 2028) which establish and provide for the operation of the Cherokee County Court, is hereby further amended as follows:

"(b) Exclusive jurisdiction of all criminal cases appealed from any Mayor's or Recorder's Court, shall be in the Cherokee County Court, unless the appellant at the time of filing his notice of appeal from said Mayor's or Recorder's Court shall demand in writing a trial by jury. If appellant demands a trial by jury under this subsection, the appeal must be taken to the Cherokee County Circuit Court, and the case appealed shall be tried de novo in that Court."

Section 4. Section 13(a) of Act No. 505 of the Regular Session of 1963 (Acts, 1963, page 1087) which establishes and provides for the operation of the Cherokee County Court, is hereby amended as follows:

"(a) All laws and rules of practice with reference to process, pleading and practice, in the several proceedings in the Circuit Court shall be applicable to this Court, and all statutes and rules of practice pertaining to county courts and to the circuit court shall be applicable to criminal cases pending in this court.

"All cases, both civil and criminal, filed in the Cherokee County Court shall be tried in that court by the judge without a jury.

"In all civil cases so tried without a jury, either party desiring trial by jury may, within 10 days after the date of entry of the judgement in the Cherokee County Court, appeal to the Cherokee County Circuit Court for the trial de novo, if:

(1) The appellant demands a jury trial at the time he files his notice of appeal; and

(2) Notice of appeal, in writing, is furnished by appellant to appellee at the time he files his notice of appeal, pursuant to the provisions of Rule 5 of the Alabama Rules of Civil Procedure.

"All such civil cases appealed shall be tried de novo in the Cherokee County Circuit Court.

"In all criminal cases tried without a jury in the Cherokee County Court, the defendant desiring trial by jury may, within 10 days after the date judgement or sentence is announced by the Judge of the Cherokee County Court, appeal to the Cherokee County Circuit Court for trial de novo, if:

(1) The defendant demands a jury trial at the time he files his notice of appeal; and

(2) The defendant makes an appeal bond at the time he files notice of appeal, in an amount set by the Judge of the Cherokee County Court, with good and sufficient sureties, payable to Cherokee County, to be approved by the Clerk of the Cherokee County Court, conditioned to be void if the

defendant appears before the Cherokee County Circuit Court until discharged by law to answer the charge pending against him.

"All such criminal cases appealed shall be tried de novo in the Cherokee County Circuit Court."

Section 5. Section 13(e) of Act No. 505 of the Regular Session of 1963 (Acts, 1963, page 1087) which establishes and provides for the operation of the Cherokee County Court, is hereby amended as follows:

"(e) That the Supreme Court, the Court of Civil Appeals and the Court of Criminal Appeals of this State shall have appellate and supervisory jurisdiction over said court and the judge thereof, which may be exercised in the same manner as such jurisdiction may be exercised over the Circuit Courts of the State and the judges thereof; and appeals from non jury trials, if no appeal is taken to the Cherokee County Circuit Court for de novo trial by a jury within the time specified in subsection (a) of this section, may be taken from the orders and judgements of the Cherokee County Court of the Supreme Court, the Court of Civil Appeals or the Court of Criminal Appeals of this State, as appropriate, in the same manner and within the same time as appeals are now taken from the orders and judgements of the Circuit Courts of this State.

"Verbatim records of all civil and criminal trials shall be taken and shall be made available in the event of appeal to any appellate court of this State.

"The Judge of the Cherokee County Court, shall have the power to suspend sentences, place defendants on probation, and remit fines and costs in all criminal cases tried before that Court."

Section 6. In any civil or criminal case presently pending in the Cherokee County Court as of the date of enactment of this Act, where a jury trial has been demanded in the Cherokee County Court, such case shall be transferred immediately to the Cherokee County Circuit Court for trial by jury in that Court.

Section 7. That all laws, both local and general, in conflict with this Act, are hereby repealed.

Section 8. That the provisions of this Act are hereby declared to be severable. If, for any reason, any section, provision or clause of this Act shall be held to be unconstitutional or invalid, than that fact shall not destroy the constitutionality of this Act except as to that clause or section.

Section 9. This Act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

#### STATE OF ALABAMA COUNTY OF CHEROKEE

Before me, Al Shumaker a Notary Public in and for said county in said state personally appeared Joseph M. Shaw, Jr., who, being by me first duly sworn, deposes and says that he is publisher of the Cherokee County Herald, a newspaper published in the City of Centre, Alabama, in Cherokee County, Alabama; that the attached is a true, correct and complete copy of notice of local bill to be entitled an act as published in said newspaper once a week for four consecutive weeks, beginning on the 25th day of June, 1975, that said newspaper has been so published in said town for a period of more than fifty-two (52) consecutive weeks prior to the date of said publication

and has a general circulation in said city and county; and that said newspaper has been entered as second class mail matter in the United States Post Office in said city for a period of more than fifty-two (52) consecutive weeks prior to the date of said publication.

JOE SHAW, Jr.

Sworn to and subscribed before me this 29th day of July, 1975.

AL SHUMAKER,  
Notary Public.

Also:

By Mr. McCulley:

H. 920. To provide for additional expense allowances for certain public officials in Washington County.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF WASHINGTON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To provide for additional expense allowance for certain public officials in Washington County.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Washington County is hereby authorized and empowered to pay the following additional expense allowances to certain public officials in Washington County, viz:

The official court reporter of the circuit court for Washington County for expenses, \$150 per month;

The clerk of the circuit court for Washington County, for clerical assistance, \$350 per month;

The district attorney of the first judicial circuit, \$50 per month;

Each member of the Washington county commission, \$200 per month.

The expense allowances provided for under the provisions of this Act shall be in addition to any and all other salary, compensation and expense allowances provided for by law and shall be paid out of the county general fund.

Section 2. The provisions of this Act shall become effective on the first day of the month next following the date upon which this Act becomes law.

## PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF WASHINGTON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Dalton Jackson, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Call-News Dispatch, a newspaper of general circulation published in Washington County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 8, May 15, May 22, and May 29, all in the year 1975.

DALTON JACKSON.

Sworn to and subscribed before me June 23, 1975.

PAULINE JACKSON,  
Notary Public.

Also:

By Messrs. Lee and Owens:

H. 917. To authorize any county governing body in the Sixth Judicial Circuit to furnish to the office of District Attorney necessary personnel, equipment and supplies.

Also:

By Mr. Killian:

H. 1479. Relating to DeKalb County; to provide an additional expense allowance for the chairman and members of the county commission.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF DEKALB

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to DeKalb County; to provide an additional expense allowance for the chairman and members of the county commission.

Be It Enacted by the Legislature of Alabama:

Section 1. The chairman of the DeKalb County Commission shall receive an additional expense allowance in the amount of \$200 per month. The associate members of the DeKalb County Commission shall receive an additional expense allowance in the amount of \$100 per month.

Section 2. The expense allowances provided for by this Act shall be paid out of the county general fund and shall be in addition to any and all other salary, compensation and expense allowances provided for by law.

Section 3. The provisions of this Act shall become effective on the first day of the month next succeeding the date this Act becomes law.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF DEKALB

Before me, the undersigned authority in and for said County in said State, this day personally appeared Jerry E. Whittle, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Times-Journal, a newspaper of general circulation published in DeKalb County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 10, July 17, July 24, and July 31, all in the year 1975.

JERRY E. WHITTLE,  
Publisher.

Sworn to and subscribed before me August 2, 1975.

MARY RUTH BROWN,  
Notary Public.

Also:

By Messrs. Crowe and Naramore:

H. 1481. Relating to Walker County; levying a 4 mill ad valorem tax to be paid to the Walker County Board of Education and distributed by the Walker County Board of Education in accordance with amendment No. 204 to the 1901 Constitution of the State of Alabama; providing for the purposes to which the funds provided by said tax are to be put; further providing that such tax shall take effect upon being approved by the voters of said county in an election to be called by the governing body of Walker County, Alabama and pursuant to the Constitution of Alabama and the law relating thereto.

With notice and proof thereto attached and herewith exhibited as follows:

#### NOTICE

##### STATE OF ALABAMA COUNTY OF WALKER

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

Synopsis: To provide for the levy of a 4 mill ad valorem tax in Walker County, Alabama for educational purposes; to provide for the distribution of said tax, the use thereof, and election for the ratification of said levy.

Relating to Walker County; levying a 4 mill ad valorem tax to be paid to the Walker County Board of Education and distributed by the Walker



County Board of Education in accordance with amendment No. 204 to the 1901 Constitution of the State of Alabama; providing for the purposes to which the funds provided by said tax are to be put; further providing that such tax shall take effect upon being approved by the voters of said county in an election to be called by the governing body of Walker County, Alabama and pursuant to the Constitution of Alabama and the law relating thereto.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other taxes heretofore levied, there is hereby levied a 4 mill ad valorem tax on all property subject to ad valorem levy in Walker County, Alabama to be paid to and disbursed by the Walker County Board of Education in accordance with the Constitution of the State of Alabama of 1901 and Amendment No. 204 thereof.

(a) The funds recoverable and derived from said act payable to the Walker County Board of Education shall be used to fund a capital outlay program to repair or replace school buildings as follows: Bankhead Elementary, Boldo, Nauvoo, Parrish Elementary, Redmill, Thach, Union Chappell, Dora, and Sumiton.

(b) To relieve severely overcrowded classroom space or add additional classroom space.

(c) For such other purposes as the Walker County Board of Education may from time to time declare.

Section 2. The funds derived from the above levy payable to the Jasper City School System and the Carbon Hill City School System may be used by those respective systems as the Boards of Education of each system may determine.

Section 3. The provisions of this act shall not take effect until the same have been approved and ratified by the voters of Walker County, Alabama, at an election to be called in compliance with the Constitution and the Laws of the State of Alabama.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. The act shall become effective upon its ratification as provided herein.

#### PROOF OF PUBLICATION

#### STATE OF ALABAMA COUNTY OF WALKER

Before me, the undersigned authority in and for said County in said State, this day personally appeared H. S. Prince, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Daily Mountain Eagle, a newspaper of general circulation published in Walker County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 24, July 1, July 8, and July 15, all in the year 1975.

H. S. PRINCE, JR.

Sworn to and subscribed before me July 29, 1975.

VIRGINIA STOVER,  
Notary Public.

Also:

By Mr. Cross:

H. 1510. Relating to counties having a population of not less than 27,000 nor more than 27,900 according to the most recent federal decennial census, to provide a total compensation for members of the jury commission and for the secretary of the jury commission in such counties.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. B.'s 1455, 920, 917, 1479, 1481 and 1510. To the Committee on Local Legislation No. 1.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Barron, Harris, Wyatt, Plaster, Holmes and Lewis:

H. 1147. Relating to the fifteenth judicial circuit, authorizing the hiring of two secretaries, one for the criminal division and one for the civil division of the circuit court, chosen by the presiding judge of the fifteenth judicial circuit, and paid by the county comprising the circuit.

With notice and proof thereto attached and herewith exhibited as follows:

### A BILL TO BE ENTITLED AN ACT

Relating to the fifteenth judicial circuit, authorizing the hiring of two secretaries, one for the criminal division and one for the civil division of the circuit court, chosen by the presiding judge of the fifteenth judicial circuit, and paid by the county comprising the circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. The presiding judge of the fifteenth judicial circuit is hereby authorized to hire, in his discretion, two additional secretaries for the said circuit, one to be assigned to the criminal division, and one to be assigned to the civil division of the circuit court for the fifteenth judicial circuit. The salaries for the two secretaries hereby authorized to be hired shall each be payable in equal monthly installments from the general funds of the county comprising said circuit.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

**STATE OF ALABAMA  
MONTGOMERY COUNTY**

Before me, Kathleen F. Meads, a Notary Public in and for the State and County aforesaid, personally appeared Betty K. Shine, who, first being duly sworn according to law, deposes and says that she is Bookkeeper for The Advertiser Company, publishers of The Montgomery Advertiser and the Alabama Journal, and that the advertisement of Montgomery County Commission (A Bill to be entitled an act) appeared in said publication The Alabama Journal June 6, 13, 20, 27, 1975 and that there is now due on said account the sum of \_\_\_\_\_, which is due, just and unpaid; and that no part of said account has been paid except as herein specified.

**BETTY K. SHINE.**

Sworn and subscribed before me this 3rd day of July 1975.

**KATHLEEN F. MEADS,**  
Notary Public, Montgomery County, Alabama.

Also:

By Messrs. Barron, Holmes, Lewis and Harris:

H. 1335. To amend Act No. 356 of the Legislature of Alabama of 1973, to improve the benefits for retired employees by authorizing and ratifying the payment of premiums for life, health and hospitalization insurance for retired employees.

With notice and proof thereto attached and herewith exhibited as follows:

**STATE OF ALABAMA  
COUNTY OF MONTGOMERY**

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

**A BILL  
TO BE ENTITLED  
AN ACT**

To amend Act No. 356 of the Legislature of Alabama of 1973, to improve the benefits for retired employees by authorizing and ratifying the payment of premiums for life, health and hospitalization insurance for retired employees.

Be It Enacted by the Legislature of Alabama:

Act No. 356 of the Legislature of Alabama of 1973 is hereby amended by adding the following subsection to Section 6:

(11) In addition to any other benefits payable under subsections (1), (2), (3), and (4) of this section, the Commission is authorized to pay on behalf of any such employee the premiums for such life, health and hospitalization insurance as is paid by the Commission for other county employees. All previous payments heretofore made for such purposes are hereby ratified.

**STATE OF ALABAMA  
MONTGOMERY COUNTY**

Before me, Kathleen F. Meads, a Notary Public in and for the State and County aforesaid, personally appeared Margaret B. Morgan who, first being duly sworn according to law, deposes and says that she is Bookkeeper for The Advertiser Company, publishers of The Montgomery Advertiser and the Alabama Journal, and that the advertisement of Montgomery County Commission (A Bill to be Entitled an Act.) appeared in said publication The Alabama Journal June 21, 28, July 5, 12, 1975.

**MARGARET B. MORGAN.**

Sworn and subscribed before me this 16th day of July 1975.

**KATHLEEN F. MEADS,**  
Notary Public, Montgomery County, Alabama.

Also:

By Messrs. Barron, Lewis, Wyatt, Plaster and Harris:

H. 1383. To amend Act No. 1606, H. 1891, 1971 Regular Session (Acts 1971, p. 2761), which creates in the City of Montgomery in connection with the regular organized and paid fire department of the City of Montgomery, the Montgomery Fire Fighters Pension Fund; amending Sections 6, 9, 12, 15, 17 and 24 of said act so as to authorize the trustees of the Fund, in their discretion, to select and appoint a custodian of the assets of the Fund to serve in lieu of the Comptroller of the City and to select and appoint an investment trustee and to delegate to such investment trustee certain managerial powers relative to the handling, investment and reinvestment of such funds; to regulate further the issuance of vouchers on the fund; to increase retirement benefits from such fund; to provide for the return of contributions upon the death of a member who does not leave a surviving spouse or surviving children under eighteen years of age; and to give retroactive effect to some of the provisions of this act.

With notice and proof thereto attached and herewith exhibited as follows:

**LEGAL NOTICE**

**STATE OF ALABAMA  
COUNTY OF MONTGOMERY**

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

**A BILL  
TO BE ENTITLED  
AN ACT**

To amend Act No. 1606, H. 1891, 1971 Regular Session (Acts 1971, p. 2761), which creates in the City of Montgomery in connection with the

regular organized and paid fire department of the City of Montgomery, the Montgomery Fire Fighters Pension Fund: amending Sections 6, 9, 12, 15, 17 and 24 of said act so as to authorize the trustees of the Fund, in their discretion, to select and appoint a custodian of the assets of the Fund to serve in lieu of the Comptroller of the City and to select and appoint an investment trustee and to delegate to such investment trustee certain managerial powers relative to the handling, investment and reinvestment of such funds; to regulate further the issuance of vouchers on the fund; to increase retirement benefits from such fund; to provide for the return of contributions upon the death of a member who does not leave a surviving spouse or surviving children under eighteen years of age; and to give retroactive effect to some of the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 6, 9, 12, 15, 17, and 24 of Act No. 1606, H. 1891 of the 1971 Regular Session (Acts 1971, p. 2761), the act which establishes the Montgomery Fire Fighters Pension Fund, are hereby amended to read as follows:

"Section 6. The Comptroller of the City of Montgomery, or his duly appointed assistant, shall, subject to the right of change hereinafter provided, be the custodian of all assets belonging to the Montgomery Fire Fighters Pension Fund. The said Comptroller, or his duly appointed assistant, shall be liable on his official bond for the faithful performance of the duties imposed upon him under this act and for the faithful accounting for all monies, securities and things of value which come into his hands as said custodian, and he shall keep a separate account thereof which shall at all times reflect the true condition of said Funds. The said Trustees of the Montgomery Fire Fighters Pension Fund may at their discretion select another custodian in lieu of the Comptroller of the City of Montgomery or his duly appointed assistant, who shall be responsible for all pension funds and all other assets belonging to the Montgomery Fire Fighters Pension Fund delivered to it, such selection by said trustees shall be limited to a state or national bank doing business in Alabama.

"Section 9. The members of the Board shall be trustees of all the assets of the Fund and shall have full power to invest and reinvest such assets in such stocks, bonds and other securities and properties as they may deem advisable, including preferred stocks, common stocks, debentures and unsecured obligations, undivided interest, interests in investment trusts, mutual funds, legal and discretionary common trust funds, group annuity and individual annuity contracts, and leases and real and personal property, either inside or outside of Alabama. The Board shall have full power to hold, purchase, sell, assign, transfer and dispose of any of the securities and investments in which any of the assets of the Fund may have been invested, as well as the proceeds of said investments and any monies belonging to the Fund. The Board may however appoint an investment trustee and delegate any or all of its powers relative to the handling, investment and reinvestment of such assets. No member nor employee of the Board, including the investment trustee hereinabove authorized, shall have any direct or indirect interest in the gains or profits of any investment made by the Board, nor as a member of the Board receive any pay or emolument for his services. No member or employee of the Board shall directly or indirectly, for himself or as an agent in any manner use the same, except to make such current and necessary payments as are authorized by the Board.

"Section 12. All payments from the Fund shall be made only upon regular vouchers signed by the custodian of the Fund unless a bank has been designated as custodian, in which event all payments from the Fund shall be made only upon regular vouchers signed by the secretary and one board member or any two board members. No voucher shall be drawn on such Fund except by order of the Board of Trustees which shall be duly and regularly entered in the record of the proceedings of said Board of Trustees.

"Section 15. Any member of the Fire Department who, while actively employed by the Fire Department, becomes permanently physically or mentally disabled for service in such Fire Department, from whatever source, upon the presentation to the Board of Trustees of satisfactory evidence of such disability, or upon such examination as may be required by the Board, be retired from such service, and upon such retirement, such member shall be entitled to a disability benefit of forty dollars per month and in addition thereto if such member has served as an employee of said Fire Department for more than 240 months, the further sum of one dollar per month for each year of service in such Fire Department by such retired member in excess of 240 months, provided however, that in no event shall such retired member be entitled to payment in excess of fifty dollars per month from such Fund, and provided further that such member, at the time of becoming disabled, enjoyed permanent status as an employee of said Fire Department. The above provision in reference to the payment of an additional sum of one dollar per month for each year of service shall apply to those who had heretofore retired as well as those who retire in the future, such payments as to those already retired shall begin as of the first payment period to such person following passage of this act.

"Section 17. Any employee of said Fire Department who has made contributions, as a member, for 240 months to the Fund whether such contributions were made in consecutive months or not, and who has not elected to withdraw his contributions to the Fund as provided hereinafter, upon making written application to the Board of Trustees therefor shall without medical examination or disability, be retired, and the said Board of Trustees shall direct the payment to such retired member from such Fund of the sum of forty dollars per month, and in addition thereto if such member has served as an employee of said Fire Department for more than 240 months, the said Board of Trustees shall direct the payment to such retired member from such Fund of the further and additional sum of one dollar per month for each year of service in such Fire Department by such retired member in excess of 240 months, provided, however, that in no event shall such retired member be entitled to payment in excess of fifty dollars per month from such Fund. The payment under this Section shall be in addition to any retirement payment or annuity received by such retired member from any source or fund or under any other law or ordinance. The above provision in reference to payment of one dollar per month to such retired members who had served in excess of 240 months shall apply to members who had heretofore retired, such payments to those already retired shall begin as of the first payment period to such person following passage of this act.

"Section 24. If a member shall cease to be an employee of said Fire Department, for any reason other than death or retirement under the provisions hereof, he shall be paid on demand his accumulated contributions paid under the provisions of this Act; provided, however, that when an employee has withdrawn such accumulated contributions

and is again employed by said Fire Department within thirty days, and again becomes a member of the Fund within such time, the Board may in its discretion allow such employee to repay such accumulated contributions as he has previously withdrawn and reinstate the prior service of such employee with such Fire Department for purposes of qualifying such employee under the provisions of this Act.

"If any member of the Fire Department shall die, on or after January 1, 1975, without leaving a surviving spouse or surviving children under eighteen years of age, then the accumulated contributions of such deceased member shall be paid by the Board of Trustees to the person designated by such member as his beneficiary, or if he has not designated a beneficiary, then to the estate of such deceased member or to his or her heirs according to the laws of intestacy of the State of Alabama which are in effect at the time of the death of such deceased member."

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF MONTGOMERY

Before me, the undersigned authority in and for said County in said State, this day personally appeared W. T. Johnson, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Montgomery Independent, a newspaper of general circulation published in Montgomery County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 3, July 10, July 17, and July 24, all in the year 1975.

W. T. JOHNSON.

Sworn to and subscribed before me July 25, 1975.

SUSAN WARD JOHNSON,  
Notary Public.

Also:

By Messrs. Dial and Teague:

H. 1285. To extend, alter and rearrange the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

#### A BILL TO BE ENTITLED AN ACT

To extend, alter and rearrange the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama, be, and the same are hereby, extended, altered, and rearranged so as to include within the corporate limits of said Town all of the following described territory:

The East Half ( $E\frac{1}{2}$ ) of the West Half ( $W\frac{1}{2}$ ) of the Southeast quarter ( $SE\frac{1}{4}$ ) and the East Half of the Southeast Quarter ( $E\frac{1}{2}$  of  $SE\frac{1}{4}$ ) of Section 20: All of Section 21: All of Section 22: The portion of the South Half of the South Half ( $S\frac{1}{2}$  of  $S\frac{1}{2}$ ) that is Northwardly of Highway 78 and also the portion of the South Half of the South Half ( $S\frac{1}{2}$  of  $S\frac{1}{2}$ ) of Section 25 that is Eastwardly of the Jackson Trace Road of Section 25: The South Half of the Southwest Quarter ( $S\frac{1}{2}$  of  $SW\frac{1}{4}$ ) and the South Half of the South Half of the Southeast Quarter ( $S\frac{1}{2}$  of  $S\frac{1}{2}$  of  $SE\frac{1}{4}$ ) of Section 26: All of Section 27: All of Section 28: The portions of the Northeast Quarter of the Southeast Quarter ( $NE\frac{1}{4}$  of  $SE\frac{1}{4}$ ), and a fraction "A" of Section 32 that are Eastwardly of the Westerly right of way line of the old Talladega-Lincoln Highway (1928-1938) and Northerly of U.S. Interstate 20 Highway right of way and all portions of the Southeast Quarter that is Southward of the Northerly right of way of U.S. Interstate 20 and U.S. Interstate 20 right of way in Southwest Quarter of Section 32: all of section 33; all of section 34; all in Township 16 South, Range 5. East. Also the North Half ( $N\frac{1}{2}$ ), and the North Half of the Southwest Quarter ( $N\frac{1}{2}$  of  $SW\frac{1}{4}$ ) and Alabama Highway 77 in Section 4: The North Half of the Northeast Quarter ( $N\frac{1}{2}$  of  $NE\frac{1}{4}$ ) and the North Half of the South Half of the Northeast Quarter ( $N\frac{1}{2}$  of  $S\frac{1}{2}$  of  $NE\frac{1}{4}$ ) and the East Half of the East Half of the South Half of the Southeast Quarter of the Northeast Quarter ( $E\frac{1}{2}$  of  $E\frac{1}{2}$  of  $S\frac{1}{2}$  of  $SE\frac{1}{4}$  of  $NE\frac{1}{4}$ ) and the East Half of the East Half of the Northeast Quarter of the Southeast Quarter ( $E\frac{1}{2}$  of  $E\frac{1}{2}$  of  $NE\frac{1}{4}$  of  $SE\frac{1}{4}$ ) and Alabama 77 Highway right of way in Southeast Quarter ( $SE\frac{1}{4}$ ) of the Southeast Quarter ( $SE\frac{1}{4}$ ) of Section 5; all in Township 17 South, Range 5 East; and also the Southwest Quarter of the Southwest Quarter ( $SW\frac{1}{4}$  of  $SW\frac{1}{4}$ ) of Section 30; all in Township 17 South, Range 6 East.

Section 2. All laws and parts in conflict with the provisions of this act are hereby repealed.

Section 3. This Act shall be effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Personally appeared before me, a Notary Public in and for said County, Lynne Hanner, who being duly sworn according to law, deposes and says that he is the Clerk of the Daily Home a newspaper published in said County, and that the publication of a certain notice, a true copy of which is hereto affixed, has been made in said newspaper for 4 weeks consecutively, to-wit, in the issues hereof dated as follows: April 8 1975, April 15 1975, April 22 1975, April 29 1975.

LYNNE HANNER.

Subscribed and sworn to before me this 11th day of June 1975.

ZELL P. COPELAND,  
Notary Public.



Also:

By Messrs. Hines and Warren:

H. 1366. Relating to counties having populations of not less than 34,875 nor more than 36,000 inhabitants, according to the most recent federal decennial census, authorizing an appropriation from county funds for certain purposes.

Also:

By Mr. McCluskey:

H. 1390. Relating to Coosa County, providing for a clerk hire allowance not to exceed \$5,000 per year for the office of judge of probate of said county.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF COOSA

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Coosa County, providing for a clerk hire allowance not to exceed \$5,000 per year for the office of judge of probate of said county.

Be It Enacted by the Legislature of Alabama:

Section 1. The judge of probate of Coosa County is hereby granted an allowance not to exceed \$5,000 per year, for the purpose of hiring one or more clerical personnel in such office. The allowance herein provided shall be payable from the county general funds, in monthly installments, not to exceed the prescribed annual amount.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF TALLADEGA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Charles H. Greer, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Sylacauga News, a newspaper of general

circulation published in Talladega County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 23, July 7, June 30, and July 14, all in the year 1975.

CHARLES H. GREER.

Sworn to and subscribed before me July 14, 1975.

LEE D. GREER.  
Notary Public.

Also:

By Messrs. Hines and Warren:

H. 1420. To alter and rearrange the boundary lines of the Town of Flomaton, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory in Escambia County, Alabama, contiguous of said Town.

With notice and proof thereto attached and herewith exhibited as follows:

#### LEGAL NOTICE

#### A BILL TO BE ENTITLED AN ACT

Be It Enacted by the Legislature of Alabama:

To alter and rearrange the boundary lines of the Town of Flomaton, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory in Escambia County, Alabama, contiguous of said Town.

Be It Enacted by the Legislature of Alabama:

Section 1. That from and after the passage and approval of this Act the boundary lines of the Town of Flomaton, Escambia County, Alabama be the same are altered and rearranged so as to include within the corporate limits of said Town, in addition to the territory included within its present corporate limits, the territory described as follows:

Commence at the Northwest Corner of Section 26, Township 1 North, Range 8 East; thence run East to the West line of the L & N Railroad right of way; thence run Southwesterly along West line of said L & N Railroad right of way to existing Town limit line; thence West to the West line of said Section, Township and Range; thence North of the point of beginning.

Commence at the Southwest Corner of Southeast Quarter of Southwest Quarter (SE $\frac{1}{4}$  of SW $\frac{1}{4}$ ) of Section 28, Township 1 North, Range 8 East; thence run North 3000 feet for a point of beginning; thence continue North 960 feet, more or less to the Northwest Corner of Southeast Quarter of Northwest Quarter (SE $\frac{1}{4}$  of NW $\frac{1}{4}$ ); thence run East to the Northeast Corner of the Southeast Quarter of Northeast Quarter (SE $\frac{1}{4}$  of NE $\frac{1}{4}$ ); thence South 960 feet, more or less to existing town limit line; thence West to the point of beginning.

Section 2. That this Act shall go into effect immediately upon its approval by the Governor.

## PROOF OF PUBLICATION

STATE OF ALABAMA  
ESCAMBIA COUNTY

I, James G. Thornton, owner and publisher of The Tri-City Ledger, hereby certify that the attached notice is a true and correct copy of notice published in said Tri-City Ledger once a week for four consecutive weeks, namely in the issues of July 3, 1975, July 17, 1975, July 10, 1975, July 24, 1975.

I further certify that the said Tri-City Ledger is a newspaper printed in the English language in Escambia County, Alabama; that said newspaper has a general circulation in the county in which it is published, and has been mailed under the second class mailing privilege of the United States Post Office Department from the Post Office at Flomaton, Alabama, where it is published, for more than 52 consecutive weeks.

JAMES G. THORNTON, JR.

Subscribed and sworn to before me this 25th day of July, 1975.

WILLODEAN MOORE,  
Notary Public, State at Large, Ala.

My Commission Expires 27 October 1976.

Also:

By Mr. Rich:

H. 1456. Relating to the coroner's office in all counties having populations of not less than 15,400 nor more than 15,625 inhabitants according to the most recent decennial census; to provide for the coroner to appoint a deputy coroner; to prescribe the duties and compensation of the deputy coroner and to repeal all conflicting statutes.

Also:

By Messrs. Manley and Pegues:

H. 1459. Relating to Marengo County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in certain jails of the county, and providing for a rehabilitation board to supervise and administer the rehabilitation processes of this Act; to provide further for the carrying out of the provisions of this Act.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF MARENGO

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Marengo County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in certain jails of the county, and providing for a rehabilitation board to supervise and administer the rehabilitation processes of this Act; to provide further for the carrying out of the provisions of this Act:

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply to Marengo County.

Section 2. DEFINITIONS.—

(1) "Board" shall mean County Rehabilitation Board, and shall be composed of seven (7) members as follows: the director of the West Alabama Mental Health Center or his designated representative; the probate judge of the county; the sheriff of the county; the mayor of the largest municipality in the county or his designated representative; the mayor of the second largest municipality of the county or his designated representative; and two members of the county governing body of the county or two representatives designated by such governing body.

(2) "Inmate" shall mean any person male or female convicted of a crime and sentenced to the county jail or to any city jail located within the county.

Section 3. EXTENDED LIMITS OF CONFINEMENTS.—

The Board shall adopt such written regulations and policies permitting the sheriff or the chief of police of any municipality in the county to extend the limits of the place of confinement of an inmate, as to whom there is reasonable cause to believe he will know his trust, by authorizing him under prescribed conditions to leave the confines of the county or city jails unaccompanied by a custodial agent for a prescribed period of time to work at paid employment while continuing as an inmate in the jail in which he shall be confined except during the hours of his employment, and thereto and therefrom. Inmates shall participate in paid employment at the discretion of the Board.

Any rules, regulations or policies promulgated by the Board shall be written upon the minutes of the Board, and shall be acknowledged and signed by each member of the Board a minimum of 30 days before any such rules, regulations or policies can be implemented or utilized for any prisoner of any jail pursuant to the provisions of this Act.

Section 4. WAGES.—

The employer of an inmate involved in work release shall pay the inmate's wages direct to the Board. The Board may adopt regulations concerning the disbursement of any earnings of the inmates involved in the work release program. The Board shall be authorized to withhold from the inmates earnings, 20 per cent of his or her gross earnings to pay such cost incident to the inmates confinement as the Board shall deem appropriate. After 20 per cent has been deducted from the inmates gross pay the remainder of the inmates earnings shall be credited to his account in a local bank, and upon his release from confinement shall be turned over to the inmate. The Board may elect, however, to turn the remaining 80 per cent of the inmate's earnings over to his family to be used by them in their support

while an inmate is confined, provided the inmate, as well as the members of the inmate's family give written consent to this procedure, prior to the inmate's release into the work program.

**Section 5. ESCAPE.—**

The willful failure of an inmate to remain within the extended limits of his confinement or to return within the time prescribed by the sheriff or chief of police, as the case may be, to the county or city jails, shall be deemed as an escape from the custody of said sheriff or chief of police as shall be punishable as provided by law for escaped prisoners.

**Section 6. INVESTIGATION AND RECOMMENDATION.—**

Employees of the Board or persons designated by the Board are authorized to make investigation and recommendations pertaining to the validity of requests of job opportunities for inmates and to otherwise assist the sheriff or chief of police in the implementation of the program herein authorized.

**Section 7. SECURING EMPLOYMENT—**

The Board or members of the Board shall endeavor to secure employment for eligible inmates under this Act subject to the following:

(1) Such employment must be at a wage at least as high as the prevailing wage for similar work in the area or community where the work is performed in accordance with the prevailing working conditions in such area.

(2) Such employment shall not result in displacement of employed workers.

(3) Inmates eligible for work release shall not be employed as strike-breakers or in impairing any existing contracts.

(4) Exploitation of eligible inmates in any form is prohibited either as it might effect the community, the inmates, or the Board.

**Section 8. EDUCATION.—**

The Board may at its discretion, allow any inmate, between the ages of 14 or 22 only, to participate in the release program to further the inmates education. Under this section the inmate must follow all the rules set forth for other inmates participating in the work release program.

**Section 9. FURLOUGHS.—**

The Board may adopt rules and allow the sheriff or chief of police to grant furloughs or leave time not to exceed 3 days or 72 hours for inmates that the Board deems deserving, subject to the following restrictions:

Each furlough can only be granted with the recommendation of the sheriff or chief of police and must be approved in writing and signed by a majority of the Board members granting and approving such furlough.

**Section 10. INMATE NOT AN AGENT OF STATE OR COUNTY.—**

No inmate granted privileges under the provisions of this Act shall be deemed to be an agent, employee or involuntary servant of the Board, State, County or municipality while involved in the free community or

while going to and from employment, or other specified areas or while on furlough.

Section 11. The sheriff and chiefs of police or person or persons designated by the Board shall jointly prepare an annual report to be filed not later than sixty (60) days from the close of each fiscal year, a copy of said report shall be filed with each of the following persons or agencies: the Board, the governing bodies to which this Act applies, the mayor and city governments which participate in the program, and to the circuit judge or judges serving Marengo County.

Section 12. PENALTY CLAUSE.—

Anyone violating any of the provisions of this Act shall be guilty of a misdemeanor.

Section 13. SEVERABILITY.—

The Provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. REPEALER.—

All laws or parts of laws which conflict with this Act are repealed.

Section 15. EFFECTIVE DATE.—

This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF MARENGO

Before me, the undersigned authority in and for said County in said State, this day personally appeared Goodloe Sutton, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Democrat-Reporter, a newspaper of general circulation published in Marengo County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on March 27th, April 3rd, April 10th, April 17th, all in the year 1975.

GOODLOE SUTTON.

Sworn to and subscribed before me on this the 28th day of July, 1975.

DOROTHY C. THOMPSON,  
Notary Public.

Also:

By Messrs. Smith (M), Turnham, Higginbotham and Morris:

H. 1458. To amend further Act No. 496, H. 930, Regular Session 1953 (Acts 1953, p. 624) as amended, which prescribes the salaries of certain officers of Chambers County and provides for their assistants and the office space and equipment necessary for the conduct of their offices, so as to increase the salary of certain officers.

With notice and proof thereto attached and herewith exhibited as follows:

### NOTICE

#### STATE OF ALABAMA COUNTY OF CHAMBERS

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

To amend further Act No. 496, H. 930, Regular Session 1953 (Acts 1953, p. 624) as amended, which prescribes the salaries of certain officers of Chambers County and provides for their assistants and the office space and equipment necessary for the conduct of their offices, so as to increase the salary of certain officers.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 496, H. 930, Regular Session 1953 (Acts 1953, p. 624) entitled "An Act relating to Chambers County. To change the method of compensation of certain county, officers placing the officers on a salary, and providing for their assistants, and the office space and equipment necessary for the conduct of their offices," is hereby amended to read as follows:

"Section 1. The following officers of Chambers County, shall receive the following salaries in lieu of all other compensation:

"(a) Probate Judge—\$17,000.

"(b) Circuit Clerk—\$14,400.

"(c) Tax Assessor—\$13,200.

"(d) Tax Collector—\$13,200.

Section 2. This act shall become effective October 1, 1975, or in the event of this bill passing after said date, the provisions of this bill shall be retroactive to October 1, 1975.

### PROOF OF PUBLICATION

#### STATE OF ALABAMA COUNTY OF CHAMBERS

Before me, the undersigned authority in and for said County in said State, this day personally appeared Mrs. Bonnie Hand, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was publisher of the The LaFayette Sun, a newspaper of general circulation published in Chambers County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 25, July 2, July 9, and July 16, all in the year 1975.

MRS. BONNIE HAND,

Sworn to and subscribed before me July 31, 1975.

GEORGE A. JACKSON,  
Notary Public.

Also:

By Mr. Campbell:

H. 1471. To amend Act No. 2312, S. 1053, 1971 Regular Session (Acts 1971, p. 3734), entitled "An Act Relating to Choctaw County; to provide for the appointment of the County Superintendent of Education; to prescribe the qualifications, duties, term of office, and compensation of such offices; and to repeal all conflicting laws" relative to the compensation of the Superintendent of Education; and to repeal Section 5 of said Act No. 2312.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Act No. 2312, S. 1053, 1971 Regular Session (Acts 1971, p. 3734), entitled "An Act Relating to Choctaw County; to provide for the appointment of the County Superintendent of Education; to prescribe the qualifications, duties, term of office, and compensation of such offices; and to repeal all conflicting laws" relative to the compensation of the Superintendent of Education; and to repeal Section 5 of said Act No. 2312.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act No. 2312, S. 1053, 1971 Regular Session (Acts 1971, p. 3734), is amended to read as follows:

"Section 4. The salary and expense allowance of the County Superintendent of Education shall be fixed by the County Board of Education at a total amount not exceeding twenty-five thousand dollars, which shall be payable at the time and in the manner prescribed by the general laws of Alabama regulating the payment of compensation of County Superintendents of Education."

Section 2. Section 5 of Act No. 2312, S. 1053, 1971 Regular Session (Acts 1971, p. 3734), is hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF CHOCTAW

Before me, the undersigned authority in and for said County in said State, this day personally appeared Charles Stebbins, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was General Manager of the Choctaw Advocate, a newspaper of general circulation published in Choctaw County, Alabama, and that the attached notice was published in said newspaper once a week for four successive



weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 22, May 29, June 5, and June 12, all in the year 1975.

CHARLES S. STEBBINS.

Sworn to and subscribed before me June 12, 1975.

NELL F. EZELL,  
Notary Public.  
7-17-75.

Also:

By Messrs. Cates and Wyatt:

H. 1461. Relating to all counties having populations of not less than 13,000 nor more than 13,250, according to the most recent federal decennial census; providing further for the distribution of fines and forfeitures from convictions in certain cases of traffic violations; validating, ratifying and confirming all prior deposits of such fines and forfeitures; repealing all conflicting laws and parts of laws, general, local, and special.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. B.'s 1147, 1335, 1383, 1285, 1366, 1390, 1420, 1456, 1459, 1458, 1471 and 1461. To the Committee on Local Legislation No. 1.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Pegues:

H. 88. To amend Sections 1, 6 & 9 of Act No. 217, Senate 23, page 259, Volume 1, Acts of Alabama 1967, enacted at the 1967 Special Session of the Legislature of Alabama, as amended, relating to competitive bidding and the expenditure of public funds; to authorize cooperative purchasing among local purchasing agencies.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 88. To the Committee on State Government.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Gregg and Smith (B):

H. 1081. To regulate and control the sale of alcoholic beverages in Madison County, Alabama; to authorize the City of Triana in said County to license, regulate, and control the sale of alcoholic beverages within the corporate limits and the police jurisdiction thereof; to provide that the Council or other governing body of the City of Triana, in Madison County, shall have the power to suspend or revoke any retail liquor or malt or brewed beverage license issued by said city; to provide for the reclassification of existing retail malt and brewed beverages and retail liquor licenses; to provide that nothing herein shall relieve any licensee from complying with all of the laws of the State of Alabama and the rules and regulations of the Alcoholic Beverage Control Board of the State of Alabama pertaining to said licensee; to provide that licensees have all required food handling permits from the Madison County Department of Public Health; to provide for the revocation and suspension of licenses for certain violations; to regulate the hours of retail liquor and retail malt or brewed beverage establishments within said County; to provide for the prompt reporting of all assaults, assault and batteries, affrays, and other altercations occurring upon licensed premises.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF MADISON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To regulate and control the sale of alcoholic beverages in Madison County, Alabama; to authorize the City of Triana in said County to license, regulate, and control the sale of alcoholic beverages within the corporate limits and the police jurisdiction thereof; to provide that the Council or other governing body of the City of Triana, in Madison County, shall have the power to suspend or revoke any retail liquor or malt or brewed beverage license issued by said city; to provide for the reclassification of existing retail malt and brewed beverages and retail liquor licenses; to provide that nothing herein shall relieve any licensee from complying with all of the laws of the State of Alabama and the rules and regulations of the Alcoholic Beverage Control Board of the State of Alabama pertaining to said licensee; to provide that licensees have all required food handling permits from the Madison County Department of Public Health; to provide for the revocation and suspension of licenses for certain violations; to regulate the hours of retail liquor and retail malt or brewed beverage establishments within said County; to provide for the prompt reporting of all assaults, assault and batteries, affrays, and other altercations occurring upon licensed premises.

**Be It Enacted by the Legislature of Alabama:**

Section 1. It shall be unlawful for any person, firm, corporation, or association to sell or offer for sale any spirituous or vinous liquors in Madison County except at Alabama Alcoholic Beverage Control Liquor Stores, and at retail liquor establishments located within the corporate limits of the City of Triana in Madison County and licensed by the general laws of the State of Alabama, and also licensed by the City of Triana as herein provided.

Section 2. It shall be unlawful for any person, firm, corporation, or association to sell or offer to sell any malt or brewed beverages in Madison County, Alabama, except licensees of the Alcoholic Beverage Control Board of the State of Alabama located within the city limits or the police jurisdiction of an incorporated municipality thereof. Provided, however, that any wholesaler, distributor, or jobber, or retailer licensed to sell malt or brewed beverages shall also be authorized to sell draft beer provided said draft beer shall not be held for sale or sold in containers exceeding a maximum capacity of 288 ounces. The limitation herein stated on the maximum capacity of draft beer containers shall not apply however at any time the general law of the State allows draft beer to be sold or held for sale in larger or unlimited size containers.

Section 3. The Council or other governing body of the City of Triana, in Madison County, is hereby authorized to adopt and enforce such ordinances and rules and regulations to govern the licensing and sale of spirituous or vinous liquors and malt or brewed beverages as may, from time to time, be deemed necessary or desirable, which said ordinances and rules and regulations may include any provision or regulation concerning the licensing and operation of same as could be lawfully passed by the Legislature of the State of Alabama, including but not limited to such matters as the regulation or prohibition of live entertainment, Sunday sales, minimum requirements for the service of food, and separation of establishments from other retail businesses, trades, or professions. Each licensee of the City of Triana under the provisions of this act shall, in order to be eligible for said license, meet all of the requirements of the general laws of the State of Alabama, and the rules and regulations of the Alabama Alcoholic Beverage Control Board, and in addition, shall meet such other additional and further requirements as may be provided by ordinance of the respective municipality. It shall be unlawful for any licensee of the City of Triana, licensed under the terms of any ordinance adopted pursuant to this act, to sell or offer for sale any spirituous or vinous liquors or malt or brewed beverages without, at the time, being in possession of a separate and valid license from both the Alabama Alcoholic Beverage Control Board and the municipality.

Section 4. The Council or other governing body of the City of Triana, in Madison County, shall have the power to suspend or revoke for cause after notice and hearing and retail liquor license or any retail malt or brewed beverage license issued by said City pursuant to this Act. In addition to the grounds for revocation or suspension of any said license now authorized by law, the governing body of the City of Triana may also revoke and suspend any said license issued by said City for the violation of any ordinance or rule or regulation adopted pursuant to this act, or for the failure of any licensee to continuously operate and maintain said establishment in accordance with the ordinances, rules, regulations and standards duly adopted by said governing body. All notices shall be given, all hearings shall be held, and all penalties assessed, under the same

requirements and procedures which would be required for a similar act by the Alabama Alcoholic Beverage Control Board.

Section 5. On or before September 1, 1975, the governing body of the City of Triana shall classify all retail liquor and malt or brewed beverage licenses then authorized within such municipality, according to their eligibility for a license under the laws of the State of Alabama and the rules and regulations of the Alcoholic Beverage Control Board of the State of Alabama, and in accordance with any additional ordinances or rules and regulations adopted pursuant to this act, which said classification shall immediately be filed with the Alcoholic Beverage Control Board of the State. No license for the license year beginning October 1, 1975, and thereafter, shall be issued by the Alcoholic Beverage Control Board for the State for the renewal of an existing license, or for the establishment of any new license unless the same complies in all respects with the eligibility and classification requirements of the laws of the State of Alabama and the rules and regulations of the Board.

Section 6. Nothing herein shall relieve any licensee from complying with all of the laws of the State of Alabama and the rules and regulations of the Alabama Alcoholic Beverage Control Board pertaining to such licensee. The authority herein granted to the City of Triana, in Madison County, shall be cumulative and shall not relieve or suspend any other power held by said city under the general laws of the State concerning the regulation and control of alcoholic beverages, nor shall this act be held to restrict the powers of the cities and towns in this State under the municipal laws of the State.

Section 7. No applicant shall be deemed eligible for a license under this act until and unless it is the holder of all required permits from the Madison County Department of Public Health. No establishment shall be eligible for a license under this act unless the same meets the minimum requirements of the Fire Prevention Codes of the State of Alabama and of the incorporated municipality in which it is located.

Section 8. It shall be unlawful for any malt or brewed beverage licensee, or for any restaurant or hotel liquor licensee within Madison County to sell or offer for sale any alcoholic beverages, or to allow the consumption of same, on the licensed premises between the hours of 2:00 A.M. and 10:00 A.M. The governing bodies of each incorporated municipality within Madison County shall have the authority to further restrict the hours of operation of any retail malt or brewed beverage licensee, and of any retail liquor licensee located within their jurisdiction.

Section 9. It shall be the duty of each officer, owner, manager, or person in charge of any retail liquor or retail malt or brewed beverage licensed premises in Madison County to immediately make an appropriate report by telephone to the Police Department of the municipality in which the premises are located and to the Madison County Sheriff, of each assault, assault and battery, affray, or other altercation of any kind or nature occurring on the licensed premises, while said person is in charge thereof and while said premises are open for business. It shall further be the duty of said person to make a written report of each said incident to the Police Department of the municipality and to the Madison County Sheriff within 36 hours. Failure to make either of said reports shall be grounds for revocation or suspension of the license for the operation of said establishment.

Section 10. It shall be the duty of each retail liquor and malt or brewed beverage licensee in Madison County to keep prominently posted, in view of the customers or patrons of such establishment, the price of each drink or beverage offered or sold by said establishment at any time such prices are not so posted.

Section 11. All laws and parts of laws in conflict with this act are repealed.

Section 12. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### PROOF OF PUBLICATION

#### STATE OF ALABAMA COUNTY OF MADISON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Ida Mae Echols, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was Legal Advertising Manager of the Huntsville Times, a newspaper of general circulation published in Madison County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 14, June 21, June 28, and June 30, all in the year 1975.

IDA MAE ECHOLS,  
Legal Advertising Manager.

Sworn to and subscribed before me June 30, 1975.

OPAL H. DILWORTH,  
Notary Public.

Also:

By Messrs. Lutz, Gregg, Smith (B), Albright, Riddick and Moore (W):

H. 1465. Relating to Madison County; to provide that the notice required to be given to delinquent taxpayers prior to the sale for taxes of their property be given by publication; to provide that trials be held to determine whether such sale should be ordered; to provide a method to give notice to delinquent property owners to show cause why a decree of sale should not be rendered against them; to provide a method for the sale of said property and the report of the amount of taxes collected from said sale.

With notice and proof thereto attached and herewith exhibited as follows:

#### STATE OF ALABAMA COUNTY OF MADISON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Madison County; to provide that the notice required to be given to delinquent taxpayers prior to the sale for taxes of their property be given by publication; to provide that trials be held to determine whether such sale should be ordered; to provide a method to give notice to delinquent property owners to show cause why a decree of sale should not be rendered against them; to provide a method for the sale of said property and the report of the amount of taxes collected from said sale.

Be It Enacted by the Legislature of Alabama:

Section 1. After the first day of January, the tax collector of Madison County shall mail a statement to the delinquents addressed to the party in whose name said property was assessed, showing a brief description of the property, and the amount of taxes, fees and cost due thereon. It shall be the duty of such party to pay the taxes and fees assessed and charged against said property. But the failure to comply with the requirement of this section, or the failure to receive said statement shall not invalidate a sale of said property for taxes, nor invalidate the title of any property sold for taxes.

Section 2. It shall be the duty of the tax collector, within the time allowed by law, to furnish the probate judge a list of all property on which the entire amount of taxes have not been paid, which list shall show the name of the person to whom said property was assessed, and the tax collector shall certify the amount of taxes, fees and cost due on each parcel so listed on the parcel number as appears on the records of the tax assessor, but not the precinct in which said property is located. On receiving said list, the judge of probate shall, as speedily as practicable, give notice by publication one time, one week in a newspaper published in Madison County substantially in the following form: "The State of Alabama, Madison County, To whom it may concern: Take notice that the tax collector has filed in my office a list of delinquent taxpayers, and the real estate upon which taxes are due are therein reported that taxes on certain real estate assessed to the following named parties is delinquent (here insert names of delinquent taxpayers). This is to notify you to appear before the Probate Court of this County at the next term thereof, commencing on Monday the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, then and there to show cause; if any you have, why a decree of sale of said real estate should not be made for the payment of the taxes, fees and cost assessed upon each piece or parcel of land. (Here Probate Judge signature), Judge of Probate." In answer to such notice, any person having an interest in or, claim to such real estate, may appear and defend against the proceedings seeking to condemn the same to sale for the payment of taxes assessed thereon. When practicable, all real estate so assessed for any one year must be incorporated in one notice.

Section 3. Such cause shall be triable at the term named in said notice, and unless the cause is contested at the trial term, the probate judge shall forthwith issue his decree for the sale of lands. It shall be the duty of the tax collector to attend the several terms of the probate court at which any of such causes are triable, and to have with him his list, and such tax list shall, in all cases, be accepted as prima facie evidence of the amount of tax and fees due, and that the same have been properly assessed and charged, and are unpaid. Upon a trial of said cause if no defense is

interposed or if interposed and on trial thereof is not sustained by the evidence adduced, the probate judge shall make and enter a decree of sale substantially in the following form: "It appearing to the court that the taxes have been assessed against the real estate mentioned in this cause in the amount set opposite each piece or parcel of real estate described herein, and that the same is still due and unpaid and it further appearing that notice of these proceedings has been given as required by law and no valid defense has been interposed against the sale of such real estate for the payment of the taxes. It is therefore ordered, adjudged and decreed by the Court that the State of Alabama, Madison County, and any municipality in which said property is located, has a lien for the payment of the amount of taxes set opposite each piece or parcel of real estate together with interest at the rate of six percent on said sum from \_\_\_\_\_ (the date said taxes became delinquent), and for the additional sum of fees, charges and cost in this cause in the amount set opposite each piece or parcel of real estate in a column marked 'fees and cost' on the real estate mentioned in this cause. It is further ordered, adjusted and decreed that said real estate be sold for the payment of said delinquent taxes, and of said fees, charges and cost, and expense of such sale." Such decree, when entered, shall be signed by the judge of probate and shall have, when the jurisdiction of the court is shown, the effect of judgment in other cases in courts of record and shall have, when the jurisdiction of the court is shown, the effect of judgment in other cases in courts of record and shall have the same force and effect had said judgment been entered against each piece or parcel of real estate described therein. Any person having any interest in any piece or parcel of property ordered to be sold, shall have the right to appeal from said judgment in the manner now provided for by law in appealing from a decree ordering a sale of property for taxes, on any piece of property so ordered to be sold. Immediately at the end of any term of court at which any decree for sale of real estate for the payment of taxes is rendered, or as soon thereafter as practicable, the tax collector shall proceed to enforce such decree by sale of the real estate ordered to be sold, and to this end shall give notice for thirty days before the day of sale by publication, once a week, for three consecutive weeks in some newspaper published in the county, that at the time specified therein he will proceed to sell such real estate separately, describing such portions as are referred to in said decree and stating the amount for which each parcel of real estate is to be sold and against whom assessed and the amount of taxes, fees, charges and cost against each piece or parcel of property. For notice to each delinquent property owner to show cause why a decree of sale should not be rendered against the property assessed to him, the probate judge is entitled to a fee of twenty-five cents, and the tax collector shall be entitled to a fee of twenty-five cents, for making sale against each person whose property was sold for taxes, and the judge of probate shall be entitled to a fee of twenty-five cents for confirming and making a report of said sale, but no other fee shall be charged by the tax collector or probate judge. Said fees shall, in the discretion of the tax collector, be charged against the highest assessed piece or parcel of the taxpayer or against his home-place. The probate judge shall confirm and make a report of said sale to the State as now required by law except that he shall not be required to report the amount of State, County, Municipal or special district school taxes due on each parcel of land, provided he furnishes the parcel numbers which parcel number shall clearly indicate in which district or municipality each piece or parcel of land is located, and its rate of taxation.

Section 4. All other provisions of any laws in regard to the sale of real estate for ad valorem taxes not inconsistent herewith shall be applicable to the sale of property in Madison County, Alabama.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This Act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing the provisions of this Act.

**STATE OF ALABAMA  
MADISON COUNTY**

Before me, Opal H. Dilworth, a Notary Public in and for Said State and County, personally appeared Ida Mae Echols, known to me, who being by me first duly sworn, deposes and says she is Legal Advertising Manager of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on June 26, July 3, 10 and 13, 1975.

**IDA MAE ECHOLS,  
Legal Advertising Manager.**

Sworn to before me this the 21 day of July, 1975.

**OPAL H. DILWORTH,  
Notary Public.**

My commission expires April 9, 1979.

Also:

By Messrs. Lutz and Smith (B):

H. 1264. Relating to Madison County; to amend Act No. 120, H. 599, of the 1973 Regular Session; to authorize the governing body of said county to expend funds to reimburse the Tax Assessor for travel performed in the county in connection with the duties of that office.

With notice and proof thereto attached and herewith exhibited as follows:

**NOTICE**

Notice is hereby given that a Bill substantially as follows will be introduced in the Alabama Legislature and application made for its passage.

**A BILL  
TO BE ENTITLED  
AN ACT**

Relating to Madison County; to amend Act. No. 120, H. 599, of the 1973 Regular Session; to authorize the governing body of said county to expend funds to reimburse the Tax Assessor for travel performed in the county in connection with the duties of that office.

**Be It Enacted by the Legislature of Alabama:**

Section 1. Act No. 120, H. 599, of the 1973 Regular Session of the Alabama Legislature is hereby amended by adding the following Section 2a:



"2a. The governing body of said county is further authorized to expend a sum not to exceed Twelve-Hundred (\$1,200.00) Dollars per year to reimburse the Tax Assessor for travel performed within the county in inspecting taxable property and making assessments of the same."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA  
MADISON COUNTY

Before me, Opal H. Dilworth, a Notary Public in and for Said State and County, personally appeared Ida Mae Echols, known to me, who being by me first duly sworn, deposes and says she is Legal Advertising Manager of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on July 3, 10, 17 and 21, 1975.

IDA MAE ECHOLS,  
Legal Advertising Manager.

Sworn to before me this the 21 day of July, 1975.

OPAL H. DILWORTH,  
Notary Public.

My commission expires April 9, 1979.

Also:

By Messrs. Lutz, Smith (B) and Moore (W):

H. 1262. Applying to Madison County, State of Alabama; to regulate massage parlors within Madison County; to make legislative findings concerning the operation of massage parlors within Madison County, and concerning the difficulty encountered by law enforcement officers in the enforcement of the law in connection with massage parlors; to define terms; to require a license from the Madison County Board of Health for the operation of any said business within the County; to provide health and sanitary requirements for the operation of massage parlors in Madison County; to provide standards for cleanliness in connection with massage parlors in Madison County; to prohibit the use of any massage parlor as a dormitory in Madison County; to prohibit massages by any licensee within said County except upon licensed premises; to prohibit massages behind closed doors; to require health examinations for persons to administer massages; to require that massage parlor premises in said County shall be open to the public and to law enforcement officers during the rendering of any service in connection with same; to provide for automatic termination of a massage parlor license upon final conviction of certain offenses by any owner, manager, or supervisor of a massage parlor in said County; to prohibit any physical contact by a person of the opposite sex in connection with a massage at a massage parlor, bath parlor, or any similar type business in Madison County, to prohibit massaging, or in any way touching, the genital organs of another in connection with a massage or other service rendered by a massage parlor in Madison County; to prohibit any person from advertising or offering any massage or physical touching of the genital organs of another in connection with a massage in Madison County, to provide for the revocation of massage parlor licenses by the Madison County Health

Officer after notice and hearing; to provide penalties for the violation of this act; to provide severability for the various sections, paragraphs, sentences, clauses and phrases of this act; and to provide that the act shall become effective immediately upon its passage and approval, or upon its otherwise becoming a law.

With notice and proof thereto attached and herewith exhibited as follows:

### NOTICE

Notice is hereby given that a Bill substantially as follows will be introduced in the Alabama Legislature and application made for its passage.

### A BILL TO BE ENTITLED AN ACT

Applying to Madison County, State of Alabama; to regulate massage parlors within Madison County; to make legislative findings concerning the operation of massage parlors within Madison County, and concerning the difficulty encountered by law enforcement officers in the enforcement of the law in connection with massage parlors; to define terms; to require a license from the Madison County Board of Health for the operation of any said business within the County; to provide health and sanitary requirements for the operation of massage parlors in Madison County; to provide standards for cleanliness in connection with massage parlors in Madison County; to prohibit the use of any massage parlor as a dormitory in Madison County; to prohibit massages by any licensee within said County except upon licensed premises; to prohibit massages behind closed doors; to require health examinations for persons to administer massages; to require that massage parlor premises in said County shall be open to the public and to law enforcement officers during the rendering of any service in connection with same; to provide for automatic termination of a massage parlor license upon final conviction of certain offenses by any owner, manager, or supervisor of a massage parlor in said County; to prohibit any physical contact by a person of the opposite sex in connection with a massage at a massage parlor, bath parlor, or any similar type business in Madison County, to prohibit massaging, or in any way touching, the genital organs of another in connection with a massage or other service rendered by a massage parlor in Madison County; to prohibit any person from advertising or offering any massage or physical touching of the genital organs of another in connection with a massage in Madison County, to provide for the revocation of massage parlor licenses by the Madison County Health Officer after notice and hearing; to provide penalties for the violation of this act; to provide severability for the various sections, paragraphs, sentences, clauses and phrases of this act; and to provide that the act shall become effective immediately upon its passage and approval, or upon its otherwise becoming a law.

Be It Enacted by the Legislature of Alabama:

Section 1. Legislative Finding—The Legislature of the State of Alabama hereby declares and finds that the business of operating massage parlors as defined herein are businesses affecting the public health, safety, and general welfare; that such businesses have been used in Madison County and elsewhere as fronts for the conduct of prostitution, assignation, and lewdness; That the method of operation of such

businesses generally is such that female persons bargain with male customers for illicit sexual activity, including prostitution, fellatio, and sodomy, only after performing so-called massages while the male customer is nude, and after engaging the customer as part of the so-called massage in sexual foreplay to the point of sexual arousal; that because of said method of operation the gathering of evidence by law enforcement officers sufficient for said officers to make an arrest or to institute some other civil proceeding requires male officers to pose as customers, and to perform degrading, demeaning, compromising, and unethical acts, to wit: becoming nude in the performance of his duty, submitting to an erotic massage, and engaging in sexual foreplay to the extent of sexual arousal, all of which invades the officers right of privacy, and interferes with, or potentially interferes with the officers family relationship; and that in order to protect the public interest, health, safety, and general welfare, it is necessary that such businesses be regulated in order to prevent their use for unlawful and illegal activities, and in order to protect the public health and safety.

Section 2. The following words and terms when used in this act shall, for the purpose of this act, have the meanings respectively ascribed to them by this section:

A. **Massage parlor.** The phrase "massage parlor" shall mean any establishment, building, room, or place other than a regularly licensed hospital, medical clinic, nursing home, or dispensary, the offices of a physician, a surgeon, or an osteopath, where non-medical, non-surgical, non-osteopathic and non-chiropractic manipulative exercises, massages or procedures are practiced upon the human body, or any part thereof, for other than cosmetic or beautifying purposes, with or without the use of mechanical or other devices, by anyone not a physician, surgeon, osteopath, or chiropractor or of a similarly registered status, and shall include any place where baths, exercises or similar services are offered.

B. **Masseur and Masseuse.** The term masseur (male) and masseuse (female) is a person who practices any one or more of the arts of body massage, either by hand or mechanical apparatus, oil rubs, corrective gymnastics, mechanotherapy, including color therapy, dietetics, hot packs, cabinet, tub, shower, sitz, vapor, steam or any other special type of bath.

C. The word "establishment" shall mean a place of business or operation of any kind.

D. The word "person" shall include a firm, partnership, association of persons, corporation, organization or any other group acting as a unit.

Section 3. It shall be unlawful for any person to operate within Madison County a massage parlor as herein defined without first having acquired from Madison County Board of Health a license for the operation of said business as required by this act. In addition to the requirements of this act, the Madison County Board of Health shall, within 180 days from the effective date of this act, promulgate rules, regulations, and standards, which shall have the force and effect of law, for the licensing and operation of massage parlors as defined herein, within Madison County. From and after the effective date of such rules, regulations, and standards, it shall be unlawful for any person to operate any massage parlor as defined herein, without having procured a license therefor from the Madison County Board of Health, and except in compliance with said rules, regulations and standards.

**Section 4. Health and Sanitary Requirements.** Any massage parlor licensed by the Madison County Board of Health shall at all times comply with all health regulations, rules, and requirements as shall now or hereafter be promulgated by the Madison County Board of Health, and any premises used for the purposes of a massage parlor shall, during all hours of operation, be made open and available to inspection by duly authorized health authorities for the purpose of assuring compliance with said health rules, regulations, and requirements. Each massage parlor shall be equipped with toilet and lavatory facilities for patrons and separate readily available toilet and lavatory facilities for employees, and each operating area shall be equipped with a hand lavatory.

**Section 5. Cleanliness.** (a) No towels, wash clothes, or other linen items shall come in contact with the body or any part thereof of any customer or patron at a massage parlor that has not been boiled and laundered since last used.

(b) Every person applying or administering massages shall cleanse his or her hands thoroughly by washing same with soap and hot water before attending or massaging any person.

(c) Any person while applying or administering massages shall be clothed from the shoulders to the knees by a robe, smock, or other opaque apparel so that the patron or customer shall be protected from bodily contact with the person applying or administering the massage except for the hands and arms of said person applying or administering said massage.

(d) Any massage parlor licensed pursuant to this act shall be equipped with running hot and cold water, and with all appliances, furnishings and materials as may be necessary to enable persons employed in and about said massage parlor to comply with the provisions of this act.

**Section 6. Not to be used as Dormitory.** No massage parlor shall be used as and for a dormitory or place to sleep, nor shall any licensee under this act permit any massage parlor to be so used.

**Section 7. Massages at Licensed Location Only.** No massages shall be administered or applied by any licensee hereunder or any employee, operator, or attendant while working for such licensee, except in or upon the premises or regular place of business of said licensee where said license is regularly displayed and at the place and location designated for the operation of said massage parlor in said license.

**Section 8. Treatment.** No masseur, masseuse, or other employee or attendant in any massage parlor shall apply or administer any massage or other treatment to any person behind locked doors.

**Section 9. Health Examination.** Subsequent to the effective date of this act it shall be unlawful for any masseur, masseuse, or other employee or attendant to administer massages in any massage parlor in Madison County without first and within six months from the date thereof having secured a written verification from a licensed physician that the said person or employee is free of any contagious, infectious, or communicable disease, and said masseur, masseuse, or other employee or attendant of any massage parlor shall, at all times while on duty or working in any such massage parlor, have upon his or her person, said written medical verification.

**Section 10.** It shall be unlawful for any person to render any service to the public upon the premises of a massage parlor located in Madison

County except during the time that the establishment is open with free access thereto by the public, during which time all portions of such establishment shall be open to the inspection of any inspector of the Madison County Health Department, and to any law enforcement officer of the State, or of the jurisdiction where said establishment is located.

Section 11. It shall be unlawful for the owner, manager, or supervisor of a massage parlor located in Madison County to allow, authorize, or tolerate in his or her establishment any activity or behavior prohibited by the laws of the State of Alabama including such laws proscribing acts of prostitution, sodomy, adultery, fornication, or any lewd or obscene act or performance.

Any final conviction of any owner, manager, or supervisor of any massage parlor of a violation of the foregoing mentioned acts occurring on or in connection with the establishment shall automatically terminate the license of said establishment and the Madison County Health Officer shall so notify the holder thereof, and no new license for the operation of a massage parlor on the same premises thereafter shall be issued by the Health Officer for a period of one year.

Section 12. It shall be unlawful for any person to operate a massage parlor, regardless of whether it is a public or private facility, or any bath parlor, or any similar type business, located in Madison County where any physical contact with the recipient of such service is provided by a person of the opposite sex. Any person violating the provisions of this section shall, upon conviction, be punished by fine of \$500.00 or twelve months in jail, one or both, and in addition final conviction of any owner, manager, or person in charge of premises upon which a massage parlor is operated, shall automatically terminate the license of said establishment and the Madison County Health Officer shall so notify the holder thereof, and no new license for the operation of a massage parlor on the same premises shall thereafter be issued by the Health Officer for a period of one year.

Section 13. It shall be unlawful for any masseur, masseuse, attendant or person employed in a massage parlor located in Madison County to massage or in any way touch the genital organs of another in connection with any massage or other service rendered by said establishment. It shall be unlawful for any person to advertise or offer any massage or physical touching of the genital organs of another in connection with such a massage.

Section 14. Revocation of License. Any, license issued hereunder by the Madison County Health Officer may be revoked by the Madison County Health Officer upon the violation of any section, requirement, or provision of this act by the licensee of any agent, attendant, or other employee of said licensee, provided the licensee shall first be notified of said violation and be afforded a hearing before the said Health Officer. Written notice of any violation hereunder and any hearing thereon before the Madison County Health Officer may be given to licensee by delivering said notice by hand to licensee, or in his absence to any adult person employed by licensee at the licensed premises or the deposit of said notice postage prepaid with the United States Postal Service and addressed to licensee at the licensed premises, not less than ten (10) days prior to such hearing before the Health Officer and the licensee may present such evidence as he shall wish to the said Health Officer. In the event of any revocation of a license for the operation of a massage parlor in accordance with this section, said licensee shall not be entitled to the issuance of a

subsequent license for the operation of a massage parlor in the county within twelve (12) months following the date of said revocation.

Section 15. Penalties. Any person who shall violate any provision or section of this act for which a penalty is not otherwise provided, or who shall do any act made unlawful by this act shall, upon conviction thereof, be punished by fine of not more than \$500.00 or six months in jail, one or both.

Section 16. Severability Clause. It is hereby declared to be the intention of the Legislature that the sections, paragraphs, sentences, clauses and phrases of this act are severable, and if any phrase, clause, sentence, paragraph, or section of same shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionally or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this act, since the same would have been enacted by Legislature without the incorporation of this act of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Section 17. That this act shall become effective immediately upon its passage and approval, or upon its otherwise becoming a law.

STATE OF ALABAMA  
MADISON COUNTY

Before me, Opal H. Dilworth, a Notary Public in and for Said State and County, personally appeared Ida Mae Echols, known to me, who being by me first duly sworn, deposes and says she is Legal Advertising Manager of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on July 3, 10, 17 and 21, 1975.

IDA MAE ECHOLS,  
Legal Advertising Manager.

Sworn to before me this the 21 day of July, 1975.

OPAL H. DILWORTH,  
Notary Public.

My commission expires April 9, 1979.

Also:

By Messrs. Gregg, Albright, Smith (B) and Riddick:

H. 1201. To provide that when any physician, dentist, nurse, member of any organized rescue squad, or member of any police or fire department in any county of a population of 170,000 to 300,000, or in any city or town located in any county of a population of 170,000 to 300,000; any Alabama-licensed emergency medical technician, medical student, intern or resident practicing in a hospital in any county of a population of 170,000 to 300,000, with a training program approved by the American Medical Association; any employee of any public hospital corporation authorized to operate and operating an emergency ambulance service under the provisions of Act 2137, 1971 Legislature of Alabama, as amended; or any owner or employee of any licensee, franchisee, or contractor of any public hospital corporation in any county of a population of 170,000 to 300,000 gratuitously and in good faith renders first aid or

emergency care to persons injured, or gives advice to anyone rendering aid or emergency care to persons injured, he shall not be liable for civil damages as a result of the acts or omissions resulting from said emergency care.

Also:

By Messrs. Gregg, Riddick, Albright and Smith (B):

H. 1200. To amend Section 3 of Act No. 2137 (H. 2624), approved October 1, 1971, entitled: "An Act relating to counties having a population of not less than 170,000 nor more than 300,000 according to the 1970 or any subsequent Federal Decennial Census; authorizing public hospital corporations organized under the laws of the State of Alabama heretofore or hereafter enacted, with the consent of the governing bodies of said counties and of the largest municipality within said counties to operate a service for the purpose of providing emergency aid, treatment, and emergency transportation for hire to the sick and injured within the counties; providing that such services as are established under the provisions of this act shall be managed, regulated, and controlled by said public hospital corporations; providing that said services may be provided by contract with public or private agencies; authorizing the setting of rates for said services; authorizing the county governing bodies within said population class, and the governing bodies of each municipality within said counties to operate all or any portion of any such service under contract with any such public hospital corporation establishing such service; providing that neither a public hospital corporation as herein described, or any licensee or contractor of said hospital corporation shall use the streets, avenues, alleys or public places of any city or town as contemplated by Section 230 of the Constitution of Alabama, without first obtaining the consent of the proper authorities of such city or town; and repealing all laws or parts of laws in conflict therewith."

Also:

By Messrs. Lee and Owens:

H. 918. Relating to the compensation of the Legal Stenographer of the District Attorney of the Sixth Judicial Circuit, amending Act No. 657 of 1973 Regular Session of Legislature of Alabama.

Also:

By Mr. Owens:

H. 1124. To create the office of ex-officio judge of the Tuscaloosa County Court; to prescribe the powers, duties and authority of the ex-officio judge; to provide for the appointment of such ex-officio judge, the fixing of his salary, and the furnishing of quarters, supplies and assistants to him; and to provide a supervisory board, and prescribe its authorities and responsibilities.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF TUSCALOOSA

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To create the office of ex-officio judge of the Tuscaloosa County Court; to prescribe the powers, duties and authority of the ex-officio judge; to provide for the appointment of such ex-officio judge, the fixing of his salary, and the furnishing of quarters, supplies and assistants to him; and to provide a supervisory board, and prescribe its authorities and responsibilities.

Be It Enacted by the Legislature of Alabama:

Section 1. In Tuscaloosa County, the office of ex-officio judge of the Tuscaloosa County Court is hereby created.

Section 2. A supervisory board is hereby created. Said Supervisory board shall be composed of all of the circuit judges of Tuscaloosa County, the judges of the Tuscaloosa County Court, the probate judge of said county, the public defender of said county and the district attorney of said county. The chairman of this supervisory board shall be the presiding circuit judge of said county. In addition to the duties and authorities of the supervisory board as elsewhere set out in this act, it shall be the authority and duty of the supervisory board to advise the ex-officio judge in matters of law and to direct such officer in the general conduct of the office.

Section 3. The office of ex-officio judge shall be subject to the general supervision of the supervisory board, and such officer shall hold office subject to the provisions of the civil service or merit system of the county.

Section 4. The ex-officio judge shall be an officer of the county, appointed by the supervisory board as other officers of the county subject to the civil service or merit system of the county are chosen or appointed, except, however, that any such ex-officio judge holding such office at the time of the passage of this act shall be the first such ex-officio judge under this act, and shall be deemed to hold permanent status as such civil service or merit system officer.

Section 5. It shall be the duty of said ex-officio judge, or his duly and legally constituted assistant or assistants to issue legal process from said court, to take affidavits and to issue warrants of arrest returnable to such court, to examine complaints and witnesses and to examine into facts preliminary to the issuance of a warrant of arrest as required by law, and to fix bail in all cases where a person charged with crime is entitled to bail under any warrant of arrest issued by him and to keep a record of all warrants handled by him as ex-officio judge. Said ex-officio judge or his duly and legally constituted assistant or assistants shall be such magistrates as have power and authority to issue search warrants.

Section 6. Suitable space and stationery, equipment, supplies and assistants necessary for the conduct of said office shall be furnished by the county commission, or like governing body of the county to the ex-officio judge.

Section 7. The supervisory board shall have the authority to recommend the salary or any increase or decrease thereof, but the county commission shall have the authority to set the salary or salaries in the customary manner, provided, however, it shall not be less than \$12,000 nor



more than \$18,000 per annum, which sum shall be paid from the general fund of the county in equal installments as salaries of other county officers are paid.

Section 8. The supervisory board is hereby empowered to recommend the employment of an assistant to the ex-officio judge, or as many such assistants to the ex-officio judge as the supervisory board may deem to be necessary and desirable, and such assistant or assistants, to the ex-officio judge shall have the same power and authority as herein granted to the ex-officio judge in the absence of the ex-officio judge or when acting under the direction and supervision of the ex-officio judge. Such assistant or assistants may be full time or part time officials as said county commission shall decide or deem advisable.

Section 9. Full time assistants for such ex-officio judge shall be covered by the civil service or merit system of the county, but no part time assistant or assistants who shall be compensated by an hourly rate of pay, shall be employed subject to any civil service or merit system of the county, but shall be employed or discharged by the ex-officio judge with concurrence of the supervisory board.

Section 10. The assistant or assistants to the ex-officio judge shall receive such compensation as the county commission shall deem to be reasonable and proper, and in this determination the county commission shall be guided by, but not bound by, the recommendation of the ex-officio judge and the supervisory board. Such compensation shall be payable out of the general fund of the county as compensation of other county officers are paid.

Section 11. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. All laws or parts of laws which conflict with this act are repealed.

Section 13. This act shall become effective on the first day of the first month beginning after its passage and approval by the Governor, or its otherwise becoming a law.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF TUSCALOOSA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Karl Elebash, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Graphic, a newspaper of general circulation published in Tuscaloosa County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 29, June 5, June 12, and June 19.C., all in the year 1975.

KARL ELEBASH.

Sworn to and subscribed before me May 29, 1975.

LAJUNE BURNETT,  
Notary Public.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. B.'s 1081, 1465, 1264, 1262, 1201, 1200, 918 and 1124. To the Committee on Local Legislation No. 1.

UNFINISHED BUSINESS  
BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

H. 435. To make an appropriation for capital outlay purposes at the University of Alabama in Birmingham for the fiscal year ending September 30, 1975.

and pending amendment, which said amendment is set out at length in the Journal of the Senate for the Twenty-fourth Legislative Day.

On motion of Mr. King, unanimous consent was granted to withdraw his amendment.

And said Bill, H. B. 435, was then read a third time at length and passed.

Yeas 32; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

—32

*Nays:*

—0

## REGULAR CALENDAR

The Bill:

S. 699. To amend Act No. 606, S. 112 of the Regular Session of 1969 (Acts 1969, p. 1110), which creates the office of Supernumerary Probate Judge, amending Sections 1, 4 and 5 thereof, in order to change certain prerequisites for appointment to such office, by reducing the number of years of past service as a probate judge and by providing for the counting of years and service in certain other public offices as a part of the prior service which is prerequisite to appointment to such office; to regulate further the compensation payable to each such officer; and to regulate further the return to such officer of his contributions to the county when he ends his tenure of office prior to becoming a Supernumerary Probate Judge.

and pending Health and Welfare Committee amendment, which said amendment is set out at length in the Journal of the Senate for the Twentieth Legislative Day, was again taken up. The question was on the motion of Mr. Roberts that said Bill and pending amendment be re-committed.

On motion of Mr. Bank, further consideration of the Bill, S. B. 699 and pending amendment, was postponed temporarily.

### RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 97. Resolved by the Senate, That the following bills shall be the paramount and continuing order of business, immediately upon adoption of this resolution, taking precedence over all other business, for the 25th legislative day only:

Bill No.	Page	Description
S. B. 752	36	Bond Issue
H. B. 442	109	Dept. of Cons.
S. B. 106	26	Emergency Care
S. B. 440	7	Voting
S. B. 223	19	PSC
S. B. 430	5	County Claims
S. B. 441	112	Firefighters'
S. B. 142	20	Rescue Squads
S. B. 668	98	Credit Cards
H. B. 39	73	Dept. of Labor
S. B. 925	57	Water works
S. B. 891	117	Warehouses
S. B. 698	24	Mental Health
S. B. 704	114	District Attorneys
H. B. 234	50	Nursing
S. B. 775	126	Professional Corp. Act
S. B. 49	22	pay for witnesses
S. B. 496	133	interest rate
S. B. 495	134	county temporary loans

On motion of Mr. Foshee, said Resolution was adopted by the Senate.

### SPECIAL ORDER

The Senate proceeded to consideration of the special, paramount and continuing order of business for the day, the first of which was the Bill:

S. 752. To authorize Alabama Public School and College Authority to sell and issue three hundred four million dollars (\$304,000,000) aggregate principal amount of additional bonds for capital improvements for public educational purposes, including libraries, laboratories and

facilities for athletics, recreation and physical education, and research facilities, including the acquisition of land, vocational-technical institutes, junior colleges, elementary-secondary school systems and special schools; to provide for the details of the said bonds and for the public sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the said principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the moneys so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the state; to provide that the bonds and the income therefrom shall be exempt from taxation in this state and the bonds may be used to secure deposits of funds of this state and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to authorize the issuance by the authority of refunding bonds for the purpose of refunding the principal of any then outstanding bonds theretofore issued by either the Authority or Alabama Education Authority or both, and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for purposes for which they are authorized to be issued; and to provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 752, to-wit:

#### COMMITTEE SUBSTITUTE FOR S. B. 752

##### A BILL TO BE ENTITLED AN ACT

To authorize Alabama Public School and College Authority to sell and issue four hundred seventy-seven million dollars (\$477,000,000) aggregate principal amount of additional bonds for capital improvements for public educational purposes, including libraries, laboratories and facilities for athletics, recreation and physical education, research facilities, including the acquisition of land, colleges and universities, vocational-technical institutes, junior colleges, elementary-secondary school systems and special schools; to provide for the details of the said bonds and for the public sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the said principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the moneys so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the state; to provide that the bonds and the income therefrom shall be exempt from taxation in this state and the bonds may be used to secure deposits of funds of this state and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal of any then outstanding bonds theretofore issued by either the

Authority or Alabama Education Authority or both, and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for purposes for which they are authorized to be issued; and to provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions: Whereever used in this Act, the following terms shall have the following respective meanings unless the context clearly indicates otherwise:

“1957 Act” means Act No. 499 adopted at the 1957 Regular Session of the Legislature.

“1959 Act” means Act No. 126 adopted at the 1959 Second Special Session of the Legislature.

“1965 Act” means Act No. 243 adopted at the 1965 First Special Session of the Legislature.

“1967 Act” means Act No. 403 adopted at the 1967 Regular Session of the Legislature.

“1969 Act” means Act No. 1031 adopted at the 1969 Regular Session of the Legislature.

“1971 Acts” means Act No. 94 adopted at the 1971 First Special Session of the Legislature, Act No. 2428 adopted at the 1971 Regular Session of the Legislature and Act No. 56 adopted at the 1971 Second Special Session of the Legislature.

“1973 Act” means Act No. 1277 adopted at the 1973 Regular Session of the Legislature.

“Authority” means Alabama Public School and College Authority, a public corporation and instrumentality of the State that was organized and is existing under the provisions of the 1965 Act.

“Board of directors” means the board of directors of the Authority.

“Bonds” (except where that word is used with reference to bonds issued under another act), means those bonds, other than refunding bonds, issued under the provisions of this Act.

“Capital Improvements” means buildings containing classrooms, offices, libraries, laboratories, clinical or teaching facilities, and facilities for athletics, recreation and physical education, and research facilities, including the acquisition of land, together with equipment therefor, and school buses.

“Legislature” means the Legislature of Alabama.

“Refunding bonds” means those refunding bonds issued under the provisions of this Act.

“State” means the State of Alabama.

Nouns and pronouns when used in this Act shall be deemed to include both singular and plural and all applicable genders.

Section 2. Authorization to Issue Additional Bonds and Purposes Thereof. Alabama Public School and College Authority is hereby authorized to sell and issue its bonds in the aggregate principal amount of Four Hundred Seventy-Seven Million Dollars (\$477,000,000) for the construction, reconstruction, purchase, alteration, improvement, and equipment, including school buses, any types of capital improvements for public educational purposes in the state, senior colleges and universities, vocational-technical institutes, junior colleges and elementary-secondary school systems and special schools, and including the acquisition of land and cost of architectural services therefor and services rendered by building inspectors for periodic and final inspections thereof, and for acquiring sites therefor. The bonds authorized in this Act to be issued by the Authority shall be in addition to all other bonds heretofore authorized to be issued by it.

Section 3. Execution and other Details of the Bonds. The bonds shall be executed, sealed and attested, shall with the income therefrom be exempt from all taxation in the state, may be used as security for deposits, and shall be eligible for investments of fiduciary funds, all as is provided in the 1965 Act. The bonds shall be in such forms or form and denomination or denominations and of such tenor and maturities, shall bear such rate or rates of interest payable and evidenced in such manner, may be subject to redemption prior to their maturities, and may contain provisions not inconsistent with this Act, all as may be provided by the resolution of the board of directors under which the bonds may be issued; provided, that no bonds shall have a specified maturity date later than twenty years after their date; and provided further, that those bonds having maturities more than ten years after their date shall be subject to redemption at the option of the Authority on any interest payment date on and after the tenth anniversary after their date at such redemption price and under such conditions as may be prescribed in the proceedings of the Authority under which they are issued.

Section 4. Sale of the Bonds. The bonds may be sold by the Authority from time to time in series, and if sold in more than one series, may all be authorized in one initial resolution of the board of directors with the pledges therefor made by the Authority in such initial resolution although some of the details applicable to each series may be specified in the respective resolutions under which the different series are issued. Each series of the bonds shall be sold only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest total net interest cost to the Authority for the series of the bonds being sold, computed from the date of those at the time being sold to their respective maturities and taking into account any premium named in the bid therefor; provided, that if no bid acceptable to the Authority is received it may reject all bids. Notice of each such sale shall be given by publication in either a financial journal or a financial newspaper published in the City of New York, New York, and also publication in a newspaper published in the state which is customarily published not less often than five days during each calendar week, each of which notices may be published at least one time not less than ten days prior to the date fixed for sale. The board of directors may fix the terms and conditions under which each such sale may be held; provided, that none of the bonds may be sold for a price less than the face value thereof; and provided further, that such terms and conditions shall not conflict with any of the requirements of this Act. Neither a public hearing nor consent of the State Department of Finance or any other department or agency shall be a prerequisite to the issuance of any of the bonds.

Section 5. Appropriation of Revenues to the Authority; Pledge Thereof for the Benefit of the Bonds. For the purpose of providing for payment of the principal of and interest on the bonds and to accomplish the objects of this Act, there is hereby irrevocably pledged to such purpose, and hereby appropriated, such amount as may be necessary for such purpose from the following sources:

(a) The residue of the receipts from the excise tax known as the sales tax levied by Act No. 100 adopted at the 1959 Second Special Session of the Legislature, as amended, after there shall have been taken from the said residue the amounts appropriated for other educational purposes in Section 32 of the said Act No. 100 (which said residue constitutes that portion of the receipts from the said sales tax that is now required by law to be paid into the Alabama Special Educational Trust Fund), and after there shall have been taken from the said residue amounts sufficient to meet all prior charges on the said residue including such amounts as may be necessary to pay at their respective maturities the principal of and interest on those of the following bonds that may be outstanding at the time of the delivery of the respective series of the bonds authorized herein: (1) those bonds issued by the State of Alabama under the 1957 Act; (2) those bonds issued by Alabama Education Authority under the 1959 Act; (3) those bonds issued by Alabama Public School and College Authority under any of the 1965 Act, the 1967 Act, the 1969 Act, the 1971 Acts, or the 1973 Act; and

(b) The residue of the receipts from the excise tax known as the use tax levied in Article 11 of Chapter 20 of Title 51 of the Code of Alabama of 1940, as amended, after there shall have been taken from the said receipts the amount necessary to meet the expenses of the State Department of Revenue in collecting the said use tax (which residue constitutes that portion of the receipts from the said use tax that is now required by law to be paid into the Alabama Special Educational Trust Fund), and after there shall have been taken from the said residue such amounts as may be necessary to meet all prior charges on said use tax including the amounts sufficient to pay at their respective maturities the principal of and interest on those outstanding bonds referred to in clauses (1) (2) and (3) of subsection (a) of this section.

(c) To the extent and to the extent only that the revenues appropriated in the foregoing subsections (a) and (b), of this section may not be sufficient to pay at their respective maturities the principal of and interest on the bonds, the residue of the receipts from the excise tax (sometimes referred to as the utilities gross receipts tax) levied by Act No. 21 adopted at the 1969 Special Session of the Legislature, as amended, remaining after payment of the expenses of administration and enforcement of the said Act No. 21, as amended, being that portion of the said tax that is required by the said Act No. 21, as amended, to be deposited in the state treasury to the credit of the Alabama Special Educational Trust Fund.

(d) To the extent and to the extent only that the revenues appropriated in the foregoing subsections (a), (b), and (c) of this section may not be sufficient to pay at their respective maturities the principal of and interest on the bonds, the residue of the receipts from the excise tax (sometimes referred to as the utilities use tax) levied by Act No. 37 adopted at the 1969 Special Session of the Legislature, as amended, remaining after payment of the expenses of administration and enforcement of the said Act 37, as amended, being that portion of the said

tax that is required by the said Act No. 37, as amended, to be deposited in the state treasury to the credit of the Alabama Special Educational Trust Fund.

(e) To the extent and to the extent only that the revenues appropriated in the foregoing subsections (a), (b), (c), and (d) of this section may not be sufficient to pay at their respective maturities the principal of and interest on the bonds, the residue of the receipts from the license tax levied on those engaging in the business of leasing or renting tangible personal property levied by Act No. 96 adopted at the 1971 First Special Session of the Legislature, remaining after payment of the expenses of administration and enforcement of the said Act No. 96, being that portion of the said tax that is required by the said Act No. 96 to be deposited in the State Treasury to the credit of the Alabama Special Educational Trust Fund.

All moneys hereby appropriated and pledged shall constitute a sinking fund for the purpose of paying the principal of and interest on the bonds. The State Treasurer is authorized and directed to pay at their respective maturities the principal of and interest on the bonds out of said fund and out of the residues of the tax receipts herein appropriated and pledged for the benefit of the bonds, and he is authorized and directed to set up and maintain appropriate records pertaining thereto.

Section 6. Bonds to be Payable Solely Out of Revenues Appropriated; Authorization for Authority to Pledge Such Revenues for the Bonds. Bonds issued by the Authority shall not be general obligations of the Authority and shall be limited obligations payable solely out of the residues of the tax receipts appropriated and pledged in Section 5 of this Act. All bonds issued by the Authority pursuant to the provisions of this Act shall be solely and exclusively obligations of the Authority and shall not constitute or create an obligation or debt of the state. As security for the payment of the principal of and interest on the bonds, the Authority is hereby authorized and empowered to pledge for payment of the principal of and interest on the bonds the residues of the tax receipts that are appropriated and pledged in Section 5 hereof for payment of such principal and interest. All such pledges made by the Authority shall take precedence in the order of the adoption of the resolutions containing such pledges. All such pledges shall be prior and superior to pledges that may be made for any refunding bonds hereafter issued by Alabama Education Authority under the provisions of the 1959 Act or by the Authority under the provisions of any of the 1965 Act, or the 1967 Act, or the 1969 Act, or the 1971 Acts, or the 1973 Act, or any other act heretofore enacted.

Section 7. Sale of Refunding Bonds. The Authority may from time to time sell and issue refunding bonds in amounts sufficient to refund the principal of any matured or unmatured bonds or refunding bonds then outstanding that were issued by the Authority under the provisions of this Act, or the 1965 Act, the 1967 Act, the 1969 Act, the 1971 Acts, or the 1973 Act, or any other Act previously enacted, or that were issued by Alabama Education Authority under the provisions of the 1959 Act, and to pay the expenses of such refunding and any premiums necessary to retire those so refunded. For the purpose of providing funds to enable the Authority to pay at their respective maturities the principal of and interest on the refunding bonds issued by it under this Act and to accomplish the purposes of this Act, there is hereby irrevocably pledged to such purpose, and hereby appropriated, such amount as may be necessary for such purpose of the residues of the receipts from the excise taxes appropriated and pledged



in subsections (a), (b), (c), (d) and (e) of Section 5 of this Act, but such pledge and appropriation shall be subject and subordinate to the pledge and appropriation made in the said Section 5 for payment of the principal of and interest on the bonds issued under the provisions of Section 2 of this Act. All other provisions of this Act shall apply to the refunding bonds issued hereunder except (a) the limitation contained in Section 2 of this Act on the amount of bonds that may be issued under this Act, and (b) the provisions of Section 8 of this Act (except the last paragraph thereof). All pledges made in this Act, and all pledges made by the Authority pursuant to the provisions of this Act for the benefit of refunding bonds issued under this Act shall take precedence in the order of the adoption of the resolutions authorizing the issuance of such refunding bonds.

**Section 8. Use of Bond Proceeds.** The proceeds derived from each sale of the bonds shall be deposited in the State Treasury and shall be carried in a separate fund therein for the account of the Authority, which shall pay therefrom the expenses of issuance thereof. The proceeds from the sale of the bonds remaining after payment of the expenses of issuance thereof shall be retained in said fund and paid out from time to time on orders or warrants issued by or on the direction of the Authority for any one or more of the purposes specified in Section 2 of this Act as may be deemed by the Authority to be most advantageous to the State, and such proceeds shall be used solely for such purposes and shall be allocated and expended by the Authority in the amount set out as follows:

(a) two hundred fifty million dollars (\$250,000,000) for elementary-secondary systems to be distributed by the Department of Education as follows:

1. Two hundred thousand dollars (\$200,000) shall be paid to each city and county board of education.

2. The residue of the initial one hundred twenty five million dollars (\$125,000,000) after providing for costs involved in issuing said bonds and (1) above shall be allocated and distributed to city and county board of education, pro rate, on the basis of average daily enrollment as determined in accordance with the minimum school program for the school year 1974-75.

(3) One hundred twenty-five million dollars (\$125,000,000) shall be distributed according to critical needs as certified by the Alabama Education Study Commission to be used for the construction of school building facilities, including buildings and equipment, for reconstruction, alteration, equipment and improvement of existing school buildings in school building centers approved by the State Department of Education as permanent school centers.

(b) Twenty-eight million Two Hundred Thousand (\$28,200,000) for junior colleges to be distributed as follows:

Alexander City/Alexander City	879,000
Bishop State/Mobile	1,565,000
Brewer State/Fayette	1,257,000
John C. Calhoun/Decatur	1,794,000
Chattahoochee Valley/Phenix City	2,880,000
Jefferson Davis/Brewton	1,073,000

Enterprise State/Enterprise	1,876,000
James H. Faulkner/Bay Minette	1,895,000
Gadsden State/Gadsden	1,041,000
Patrick Henry/Monroeville	1,014,000
Jefferson State/Birmingham	1,281,000
Lawson State/Birmingham	894,000
Northeast Alabama/Rainsville	970,000
Northwest Alabama/Phil Campbell	1,566,000
Snead State/Boaz	1,263,000
Southern Union/Whadley	1,422,000
George Wallace/Dothan	1,936,000
George Wallace/Selma	1,664,000
Lurleen B. Wallace/Andalusia	1,930,000

(c) Thirty million dollars (\$30,000,000) for vocational-technical institutes to be distributed as follows:

Alabama Aviation and Technical College	782,848
Alabama Technical College	1,842,836
Atmore State Technical Institute	1,226,094
Harry M. Ayers State Technical College	946,885
Bessemer State Technical College	3,258,539
John C. Calhoun State Community College	1,052,686
Carver State Technical Trade School	508,123
J. F. Drake State Technical College	1,549,295
Gadsden State Technical Institute	450,063
Richmond P. Hobson State Technical College	627,272
J. F. Ingram State Vocational School	1,291,680
Lawson State Community College	674,276
Douglas MacArthur State Technical College	1,294,999
Muscle Shoals Technical Institute	860,807
Northwest Alabama State Technical College	1,178,085
N. F. Nunnolley State Technical College	934,438
Opelika State Technical College	789,330
John M. Patterson State Technical College	1,008,630
Ed. E. Reid State Technical College	733,181
Shelton State Technical College	780,568

Southwest State Technical College	1,664,917
Chauncey Sparks State Technical College	583,651
Councill Trenholm State Technical College	895,050
Tuscaloosa State Technical College	416,407
Walker State Technical College	1,237,838
George C. Wallace State Technical Community College	952,562
George C. Wallace State Community College	1,424,493
George Corley Wallace State Community College	1,034,447

(d) Thirty million dollars (\$30,000,000) for secondary area vocational technical schools to be distributed as follows:

Autauga	500,000
Barbour	800,000
Bullock	600,000
Choctaw	600,000
Clarke	600,000
Coffee	800,000
Conecuh	600,000
Coosa	600,000
Covington	1,100,000
Crenshaw	600,000
Dale	500,000
Fayette	600,000
Geneva	600,000
Greene	600,000
Hale	600,000
Henry	600,000
Houston	1,200,000
Jefferson	4,300,000
Lamar	600,000
Lee	800,000
Lowndes	600,000
Macon	600,000
Madison	800,000
Marengo	600,000
Marion	600,000

Mobile	2,900,000
Monroe	600,000
Montgomery	1,900,000
Perry	600,000
Pike	700,000
Russell	900,000
Sumter	600,000
Washington	800,000
Wilcox	600,000

(e) two million dollars (\$2,000,000) for the Department of Youth Services;

(f) one million dollars (\$1,000,000) to Alabama Department of Education for Alabama Industrial Development;

(g) one hundred thirty-four million (\$134,000,000) to colleges and universities to be distributed as follows:

1. \$22,549,000 of such proceeds shall be distributed to the Board of Trustees of the University of Alabama to be used at its Tuscaloosa campus;

2. \$28,225,000 of such proceeds shall be distributed to the Board of Trustees of the University of Alabama to be used at its Birmingham campus;

3. \$10,200,000 of such proceeds shall be distributed to the Board of Trustees of the University of Alabama to be used at its Huntsville campus;

4. \$25,113,000 of such proceeds shall be distributed to Auburn University;

5. \$6,000,000 of such proceeds shall be distributed to Auburn University at Montgomery;

6. \$9,200,000 of such proceeds shall be distributed to the University of South Alabama;

7. \$4,000,000 of such proceeds shall be distributed to the University of Montevallo;

8. \$7,192,000 of such proceeds shall be distributed to the University of North Alabama;

9. \$4,800,000 of such proceeds shall be distributed to Jacksonville State University;

10. \$4,000,000 of such proceeds shall be distributed to Livingston State University;

11. \$6,216,000 of such proceeds shall be distributed to Troy State University;

12. \$3,200,000 of such proceeds shall be distributed to Alabama Agricultural and Mechanical University;

13. \$3,306,000 of such proceeds shall be distributed to Alabama State University.

(h) \$1,300,000 of such proceeds shall be distributed to the Alabama Institute for Deaf & Blind at Talladega.

(i) \$500,000 of such proceeds shall be distributed to the Talladega Vocational School for the Deaf.

The expenses of issuance of the bonds shall be prorated among the recipients listed in subsections (a), (b), (c), (d), (e), (f), (g), (h), and (i) of the proceeds from the sale of the bonds in the proportions they receive allocations of such proceeds hereunder.

As bonds are issued either wholly or in part under this Act the proceeds shall be divided equally among (a), (b), (c), (d), (e), (f), (g), (h) and (i), and each shall share proportionally until all of the bonds are issued as authorized.

Each building constructed wholly or in part with any portion of the proceeds of the bonds shall be constructed pursuant to plans and specifications approved by the Technical Staff of the Building Commission, or any agency that may be designated by the Legislature as its successor, and the cost of architectural and supervisory services shall be construed to constitute construction costs.

The proceeds derived from the sale of any refunding bonds issued under this Act remaining after paying the expenses of their issuance shall be used for the purpose of refunding the principal of the outstanding bonds for the refunding of which such refunding bonds were issued and paying any premium that may be necessary to be paid in order to retire the bonds so refunded.

Section 9. Severability. In the event any section, sentence, clause or provision of this Act shall be declared invalid by a court of competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses, or provisions of this Act, which shall continue effective.

Section 10. Effective Date. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

On motion of Mr. Stewart, said substitute was laid on the table.

Messrs. Stewart and Powell offered the following substitute for the Bill, S. B. 752, to-wit:

#### SUBSTITUTE FOR S. B. 752

#### A BILL TO BE ENTITLED AN ACT

To authorize Alabama Public School and College Authority to sell and issue one hundred thirty-two million dollars (\$132,000,000) aggregate principal amount of additional bonds for capital improvements for public educational purposes in elementary-secondary school systems and special institutions to provide for the details of the said bonds and for the public sale thereof; to make an appropriation and pledge for payment of the

principal and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the said principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the moneys so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the state; to provide that the bonds and the income therefrom shall be exempt from taxation in this state and the bonds may be used to secure deposits of funds of this state and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal of any then outstanding bonds theretofore issued by either the Authority or Alabama Education Authority or both, and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for purposes for which they are authorized to be issued; and to provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions: Wherever used in this Act, the following terms shall have the following respective meanings unless the context clearly indicates otherwise:

"1957 Act" means Act. No. 499 adopted at the 1957 Regular Session of the Legislature.

"1959 Act" means Act. No. 126 adopted at the 1959 Second Special Session of the Legislature.

"1965 Act" means Act No. 243 adopted at the 1965 First Special Session of the Legislature.

"1967 Act" means Act. No. 403 adopted at the 1967 Regular Session of the Legislature.

"1969 Act" means Act. No. 1031 adopted at the 1969 Regular Session of the Legislature.

"1971 Acts" means Act. No. 94 adopted at the 1971 First Special Session of the Legislature, Act. No. 2428 adopted at the 1971 Regular Session of the Legislature, and Act. No. 56 adopted at the 1971 Second Special Session of the Legislature.

"1973 Act" means Act. No. 1277 adopted at the 1973 Regular Session of the Legislature.

"Authority" means Alabama Public School and College Authority, a public corporation and instrumentality of the state that was organized and is existing under the provisions of the 1965 Act.

"Board of directors" means the board of directors of the Authority.

"Bonds" (except where that word is used with reference to bonds issued under another act), means those bonds, other than refunding bonds, issued under the provisions of this Act.

"Capital Improvements" means buildings containing classrooms, offices, libraries, laboratories, clinical or teaching facilities, and facilities for athletics, recreation and physical education, and research facilities, including the acquisition of land, together with equipment therefor, and school buses.

"Legislature" means the Legislature of Alabama.

"Refunding bonds" means those refunding bonds issued under the provisions of this Act.

"State" means the State of Alabama.

Nouns and pronouns when used in this Act shall be deemed to include both singular and plural and all applicable genders.

Section 2. Authorization to Issue Additional Bonds and Purposes Thereof. Alabama Public School and College Authority is hereby authorized to sell and issue its bond in the aggregate principal amount of one hundred thirty-two million dollars (\$132,000,000) for the construction, reconstruction, purchase, alteration, improvement, and equipment, including school buses, of any types of capital improvements for public educational purposes in the elementary-secondary school systems and special institutions, and including the acquisition of land and cost of architectural services therefor and services rendered by building inspectors for periodic and final inspections thereof, and for acquiring sites therefor. The bonds authorized in this Act to be issued by the Authority shall be in addition to all other bonds heretofore authorized to be issued by it.

Section 3. Execution and Other Details of the Bonds. The bonds shall be executed, sealed and attested, shall with the income therefrom be exempt from all taxation in the state, may be used as security for deposits, and shall be eligible for investments of fiduciary funds, all as is provided in the 1965 Act. The bonds shall be in such form or forms and denomination or denominations and of such tenor and maturities, shall bear such rate or rates of interest payable and evidenced in such manner, may be made subject to redemption prior to their maturities, and may contain provisions not inconsistent with this Act, all as may be provided by the resolution of the board of directors under which the bonds may be issued; provided, that no bonds shall have a specified maturity date later than twenty years after their date; and provided further, that those bonds having maturities more than ten years after their date shall be subject to redemption at the option of the Authority on any interest payment date on and after the tenth anniversary after their date at such redemption price and under such conditions as may be prescribed in the proceedings of the Authority under which they are issued.

Section 4. Sale of the Bonds. The bonds may be sold by the Authority from time to time in series, and if sold in more than one series, may all be authorized in one initial resolution of the board of directors with the pledges therefor made by the Authority in such initial resolutions although some of the details applicable to each series may be specified in the respective resolutions under which the different series are issued. Each series of the bonds shall be sold only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest total net interest cost to the Authority for the series of the bonds being sold, computed from the date of those at the time being sold to their respective maturities and taking into account any premium named in the bid

therefor; provided, that if no bid acceptable to the Authority is received it may reject all bids. Notice of each such sale shall be given by publication in either a financial journal or a financial newspaper published in the City of New York, New York, and also by publication in a newspaper published in the state which is customarily published not less often than five days during each calendar week, each of which notices must be published at least one time not less than ten days prior to the date fixed for the sale. The board of directors may fix the terms and conditions under which each such sale may be held; provided, that none of the bonds may be sold for a price less than the face value thereof; and provided further, that such terms and conditions shall not conflict with any of the requirements of this Act. Neither a public hearing nor consent of the State Department of Finance or any other department or agency shall be a prerequisite to the issuance of any of the bonds.

Section 5. Appropriation of Revenues to the Authority; Pledge Thereof for the Benefit of the Bonds. For the purpose of providing for payment of the principal of and interest on the bonds and to accomplish the objects of this Act, there is hereby irrevocably pledged to such purpose, and hereby appropriated, such amount as may be necessary for such purpose from the following sources:

(a) First the residue of the receipts from the excise tax (sometimes referred to as the utilities gross receipts tax) levied by Act No. 21 adopted at the 1969 Special Session of the Legislature, as amended, remaining after payment of the expenses of administration and enforcement of the said Act No. 21, as amended, being that portion of the said tax that is required by the said Act No. 21, as amended, to be deposited in the state treasury to the credit of the Alabama Special Educational Trust Fund.

(b) To the extent and to the extent only that the revenues appropriated in the foregoing subsection (a) of this section may not be sufficient to pay at their respective maturities the principal of and interest on the bonds, next the residue of the receipts from the excise tax (sometimes referred to as the utilities use tax) levied by Act No. 37 adopted at the 1969 Special Session of the Legislature, as amended, remaining after payment of the expenses of administration and enforcement of the said Act No. 37, as amended, being that portion of the said tax that is required by the said Act No. 37, as amended, to be deposited in the state treasury to the credit of the Alabama Special Educational Trust Fund.

(c) To the extent and to the extent only that the revenues appropriated in the foregoing subsections (a) and (b), of this section may not be sufficient, to pay at their respective maturities the principal of and interest on the bonds, third the residue of the receipts from the excise tax known as the sales tax levied by Act No. 100 adopted at the 1959 Second Special Session of the Legislature, as amended, after there shall have been taken from the said residue the amounts appropriated for other educational purposes in Section 32 of the said Act No. 100 (which said residue constitutes that portion of the receipts from the said sales tax that is now required by law to be paid into the Alabama Special Educational Trust Fund), and after there shall have been taken from the said residue amounts sufficient to meet all prior charges on the said residue including such amounts as may be necessary to pay at their respective maturities the principal of and interest on those of the following bonds that may be outstanding at the time of the delivery of the respective series of the bonds authorized herein: (1) those bonds issued by the State of Alabama under



the 1957 Act; (2) those bonds issued by Alabama Education Authority under the 1959 Act; (3) those bonds issued by Alabama Public School and College Authority under any of the 1965 Act, the 1967 Act, the 1969 Act, the 1971 Acts, or the 1973 Act; and

(d) To the extent and to the extent only that the revenues appropriated in the foregoing subsections (a), (b), and (c) of this section may not be sufficient to pay at their respective maturities the principal of and the interest on the bonds, fourth the residue of the receipts from the excise tax known as the use tax levied in Article 11 of Chapter 20 of Title 51 of the Code of Alabama of 1940, as amended, after there shall have been taken from the said receipts the amount necessary to meet the expenses of the State Department of Revenue in collecting the said use tax (which residue constitutes that portion of the receipts from the said use tax that is now required by law to be paid into the Alabama Special Educational Trust Fund), and after there shall have been taken from the said residue such amounts as may be necessary to meet all prior charges on the said use tax including the amounts sufficient to pay at their respective maturities the principal of and interest on those outstanding bonds referred to in clauses (1), (2), and (3) of subsection (c) of this section.

(e) To the extent and to the extent only that the revenues appropriated in the foregoing subsections (a), (b), (c), and (d) of this section may not be sufficient to pay at their respective maturities the principal of and interest on the bonds, fifth the residue of the receipts from the license tax levied on those engaging in the business of leasing or renting tangible personal property levied by Act No. 96 adopted at the 1971 First Special Session of the Legislature, remaining after payment of the expenses of administration and enforcement of the said Act. No. 96, being that portion of the said tax that is required by the said Act. No. 96 to be deposited in the State Treasury to the credit of the Alabama Special Educational Trust Fund.

All moneys hereby appropriated and pledged shall constitute a sinking fund for the purpose of paying the principal of and interest on the bonds. The State Treasurer is authorized and directed to pay at their respective maturities the principal of and interest on the bonds out of said fund and out of the residues of the tax receipts herein appropriated and pledged for the benefit of the bonds, and he is authorized and directed to set up and maintain appropriate records pertaining thereto.

Section 6. Bonds to be Payable Solely Out of Revenues Appropriated; Authorization for Authority to Pledge Such Revenues for the Bonds. Bonds issued by the Authority shall not be general obligations of the Authority and shall be limited obligations payable solely out of the residues of the tax receipts appropriated and pledged in Section 5 of this Act. All bonds issued by the Authority pursuant to the provisions of this Act shall be solely and exclusively obligations of the Authority and shall not constitute or create an obligation or debt of the state. As security for the payment of the principal of and interest on the bonds, the Authority is hereby authorized and empowered to pledge for payment of the principal of and interest on the bonds the residues of the tax receipts that are appropriated and pledged in Section 5 hereof for payment of such principal and interest. All such pledges made by the Authority shall take precedence in the order of the adoption of the resolutions containing such pledges. All such pledges shall be prior and superior to pledges that may be made for any refunding bonds hereafter issued by Alabama Education Authority under the provisions of the 1959 Act or by the Authority under the

provisions of any of the 1965 Act, or the 1967 Act, or the 1969 Act, or the 1971 Acts, or the 1973 Act, or any other act heretofore enacted.

**Section 7. Sale of Refunding Bonds.** The Authority may from time to time sell and issue refunding bonds in amounts sufficient to refund the principal of any matured or unmatured bonds or refunding bonds then outstanding that were issued by the Authority under the provisions of this Act, or the 1965 Act, the 1967 Act, the 1969 Act, the 1971 Acts, or the 1973 Act, or any other Act previously enacted, or that were issued by Alabama Education Authority under the provisions of the 1959 Act, and to pay the expenses of such refunding and any premiums necessary to retire those so refunded. For the purpose of providing funds to enable the Authority to pay at their respective maturities the principal of and interest on the refunding bonds issued by it under this Act and to accomplish the purposes of this Act, there is hereby irrevocably pledged to such purpose, and hereby appropriated, such amount as may be necessary for such purpose of the residues of the receipts from the excise taxes appropriated and pledged in subsections (a), (b), (c), (d) and (e) of Section 5 of this Act, but such pledge and appropriation shall be subject and subordinate to the pledge and appropriation made in the said Section 5 for payment of the principal of and interest on the bonds issued under the provisions of Section 2 of this Act. All other provisions of this Act shall apply to the refunding bonds issued hereunder except (a) the limitation contained in Section 2 of this Act on the amount of bonds that may be issued under this Act, and (b) the provisions of Section 8 of this Act (except the last paragraph thereof). All pledges made in this Act, and all pledges made by the Authority pursuant to the provisions of this Act, for the benefit of refunding bonds issued under this Act shall take precedence in the order of the adoption of the resolutions authorizing the issuance of such refunding bonds.

**Section 8. Use of Bond Proceeds.** The proceeds derived from each sale of the bonds shall be deposited in the State Treasury and shall be carried in a separate fund therein for the account of the Authority, which shall pay therefrom the expenses of issuance thereof. The proceeds from the sale of the bonds remaining after payment of the expenses of issuance thereof shall be retained in said fund and paid out from time to time on orders or warrants issued by or on the direction of the Authority for any one or more of the purposes specified in Section 2 of this Act as may be deemed by the Authority to be most advantageous to the State, and such proceeds shall be used solely for such purposes and shall be allocated and expended by the Authority in the amount out as follows: (a) one hundred million dollars (\$100,000,000) for elementary-secondary schools to be allocated as follows:

(1) one hundred thousand dollars (\$100,000) shall be allocated to each of the one hundred twenty-seven (127) city and county boards of education.

(2) eighty-three million seven hundred thousand dollars (\$83,700,000) shall be allocated to the State Board of Education for reallocation to the various local city and county boards of education to meet critical capital outlay needs as determined by the State Board of Education based upon advice and counsel of the Alabama Education Study Commission in accordance with a study of critical capital outlay needs in the state's elementary and secondary schools.

(b) twenty million dollars (\$20,000,000) for the Board of Corrections for construction of a facility for training and rehabilitation of prisoners. (c)

twelve million dollars (\$12,000,000) for the Board of Mental Health for the construction of a facility to house and rehabilitate prisoners who have emotional and psychological problems requiring isolation.

The expenses of issuance of the bonds shall be prorated among the recipients listed in subsections (a), (b), and (c) of the proceeds from the sale of the bonds in the proportions they receive allocations of such proceeds hereunder.

Each building constructed wholly or in part with any portion of the proceeds of the bonds shall be constructed pursuant to plans and specifications approved by the Technical Staff of the Building Commission, or any agency that may be designated by the Legislature as its successor, and the costs of architectural and supervisory services shall be construed to constitute construction costs.

The proceeds derived from the sale of any refunding bonds issued under this Act remaining after paying the expenses of their issuance shall be used for the purpose of refunding the principal of the outstanding bonds for the refunding of which such refunding bonds were issued and paying any premium that may be necessary to be paid in order to retire the bonds so refunded.

Section 9. Severability. In the event any section, sentence, clause or provision of this Act shall be declared invalid by a court of competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses, or provisions of this Act, which shall continue effective.

Section 10. Effective Date. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Mr. Cooper:

H. J. R. 231. MOURNING THE DEATH OF JOSEPH DOTCH.

Also:

By Mr. Cooper:

H. J. R. 232. CONGRATULATING MRS. MINNIE BISHOP UPON RETIREMENT.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolutions, H. J. R.'s 231 and 232, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Jackson (R), Hilliard, Hopping and Porter:

H. 952. To amend further the Title and Article III, Sections 3.01, 3.02, 3.09; Article IV, 4.01, 4.02, 4.03, 4.04, and 4.05, of Act No. 452, H. 974, Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955 (Acts of 1955, p. 1004), as amended, providing a Mayor-Council form of government for cities having a population of three hundred thousand inhabitants or more according to the last or any subsequent federal census, so as to provide for the election of the members of the Council from districts, defined as herein directed; and to provide further for the election, term and qualification of candidates for the offices of Mayor and Councilman; to provide further for filling vacancies in the offices of Mayor and Councilman.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 952. To the Committee on Local Legislation No. 2.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Carter, Robertson, Johnson, Kinsey, Martin, Roberts, Gafford, Higginbotham, Biddle, White, Sandusky, Sonnier, McMillan, Carothers, Starkey, Shelton, Teague, Dial, Morris, Weeks, Ford, Greer, McNees, Lutz, Reed and Cross:

H. 173. To amend Title 52, Section 8, Code of Alabama, 1940, by removing the prohibition of former educators serving as members of the state board of education within five years after the termination of their services as educators.

Also:

By Messrs. Cates and Jackson (F):

H. 695. To amend Section 206 of Title 26, Code of Alabama 1940, so as to provide that any amounts received from the Federal government by members of the National Guard or organized reserve, as compensation for monthly drills, including base pay allowances, shall not be deemed wages for the purpose of determining if an individual is totally unemployed, or for the purpose of determining if a person is partially unemployed.

Also:

By Mr. Clark:

H. 677. To amend further Section 52 of Title 36, Code of Alabama 1940, as amended, relating to appearance upon arrest for misdemeanor, so as to provide for suspension of the driver's license driving privilege or privilege to obtain a driver's license of any person who wilfully violates his written bond to appear when such written bond is given to effectuate release from an arrest which was based upon the violation of any provision of Title 36.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B. 173. To the Committee on Education.

H. B. 695. To the Committee on State Government.

H. B. 677. To the Committee on Judiciary.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Johnson, Owens, Manley, Smith (C), Falkenburg, Robertson, and Smith (B):

H. 536. To provide the means by which the mental health authorities in this state may request and obtain the return of persons committed to a mental facility in this state who have eloped into another jurisdiction within the United States and by which they may return persons committed to a mental facility in another state whose return is requested by the mental health authority of that state.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 536. To the Committee on Health and Welfare.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Edwards:

H. 1486. Relating to Wilcox County; to provide that the county governing body shall set the mileage allowance for the coroner.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF WILCOX

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Wilcox County; to provide that the county governing body shall set the mileage allowance for the coroner.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Wilcox County is hereby authorized and empowered to set the mileage allowance for the county coroner.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF WILCOX

Before me, the undersigned authority in and for said County in said State, this day personally appeared M. Hollis Curl, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Wilcox Progressive Era, a newspaper of general circulation published in Wilcox County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 3, 10, 17, and July 24, all in the year 1975.

M. HOLLIS CURL.

Sworn to and subscribed before me July 24, 1975.

SUZANNE WILLIAMS,  
Notary Public.

Also:

By Messrs. Carter, Coburn, Greer, Hill, Moore (W):

H. 273. To amend Act No. 627, H. 1019, 1965 Regular Session (Acts 1965, p. 1142, now appearing in Code of Alabama, Recompiled 1958, Title 38, Section 135) entitled "An Act Relating to the development of the Elk River Watershed area: creating the Elk River Development Agency as an agency of the State of Alabama for such purpose; prescribing its

authority, powers, duties, functions, and management; authorizing the agency to issue bonds, and the counties of Lauderdale and Limestone and municipalities therein to contribute funds and levy taxes for its use.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B. 1486. To the Committee on Local Legislation No. 1.

H. B. 273. To the Committee on Finance and Taxation.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Drake, Carter, Martin, Moore (W), Roberts, Cross, Naramore and Sparks:

H. 1393. To amend Act No. 811, H. 243, 1973 Regular Session [Acts 1973, p. 1236; now appearing in Code of Alabama, Recompiled 1958, Title 46, Sections 64 (2.01) to 64 (2.25)] known as the Auctioneers License Act, so as to exempt auctioneers selling certain types of property; to set a salary for the secretary of the state board; to make the state board financially self-sustaining; to provide further for examination procedure; to provide for licensing of non-resident auctioneers; and to authorize injunctions by the state board against the illegal actions of auctioneers.

Also:

By Mrs. Quarles:

H. 1255. Providing a white cane law for Alabama, including provisions to ensure full and equal accommodations to the blind and otherwise disabled, the right to be accompanied by a guide dog, penalties for failure on the part of a driver to take necessary precautions to avoid injuring blind pedestrians; penalties for denial or interference with admittance of blind or otherwise disabled persons to public facilities or for otherwise interfering with the rights of such persons; setting forth a state employment policy towards the blind; and providing that blind and otherwise disabled persons shall be entitled to equal access to housing accommodations offered for rent, lease, or compensation in this state.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B. 1393. To the Committee on State Government.

H. B. 1255. To the Committee on Health and Welfare.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Falkenburg, Clark, Armstrong, Hilliard, McNair, Manley, Morris, Killian, Reed, Sparks, Smith (J), Johnson, Hopping, Roberts, White, Quarles, McMillan and Sasser:

H. 848. To amend Code of Alabama, 1940, Title 30, Sections 5 and 38, both of which relate to the excusing of persons called for jury duty, so as to authorize the excusing of persons from such jury duty by the court administrator in those counties in which the office of court administrator exists.

Also:

By Messrs. Falkenburg, Clark, Armstrong, Hilliard, McNair, Manley, Morris, Killian, Reed, Sparks, Smith (J), Johnson, Hopping, Roberts, White, Quarles, McMillan and Sasser:

H. 849. To amend Code of Alabama, 1940, Title 30, Section 3, which provides exemptions from jury duty, so as to eliminate many of such exemptions.

Also:

By Messrs. Robertson, Owens, Carter, Sparks, Folmar and Johnson:

H. 410. To provide that a school teacher or public employee employed by a public school system, the State Board of Education, the State Department of Education, State Senior Colleges and Universities, State Junior Colleges, State Vocational Technical Schools, the Alabama Commission of Higher Education and the Alabama Education Study Commission or any other State educational institution or agency, shall continue to draw his full salary for a certain period when incapacitated as a direct result of an on-the-job injury; to provide that payment of such benefits shall not exhaust his accumulated sick leave and to authorize standards for carrying out the provisions of this Act.

Also:

By Messrs. Ford, Rich, Weeks, Greer, Riddick, Taylor, Quarles, Waggoner, Boles, Crowe, Armstrong, White, Hall, Albright, Starkey, Dial, Edwards, Sasser, Holmes, Wyatt, Harrison, Smith (C), Sparks, Brindley and Killian:

H. 859. To provide that all administrators, instructors and professional staff members of all state supported junior and technical colleges, shall receive tenure after three consecutive years and are reemployed for the fourth year with time already served to be counted toward the necessary three years.

JOHN W. PEMBERTON,  
Clerk.



## HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B.'s 848 and 849. To the Committee on Judiciary.

H. B.'s 410 and 859. To the Committee on Education.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Callahan:

H. 568. Relating to counties having a population of not less than 300,000 nor more than 600,000 inhabitants according to the most recent federal decennial census, providing that any property held for any county or municipal retirement system in such counties shall not be deemed to be abandoned property and shall not escheat to the state, but shall revert to the county or municipality in which the retirement system exists.

Also:

By Messrs. Burgess, Shelton and Merrill:

H. 997. To create an Industrial Development Authority for Calhoun County for the purpose of promoting industry and trade and the development of said county; to provide for the organization, powers, functions, duties and personnel of such Authority and to provide for the payment of the expenses of such Authority and for the compensation of its employees.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL  
TO BE ENTITLED  
AN ACT

STATE OF ALABAMA  
COUNTY OF CALHOUN

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

To create an Industrial Development Authority for Calhoun County for the purpose of promoting industry and trade and the development of said county; to provide for the organization, powers, functions, duties and personnel of such Authority and to provide for the payment of the expenses of such Authority and for the compensation of its employees.

Be It Enacted by the Legislature of Alabama:

Section 1. For the purpose of promoting industry and trade and to assist the county commission or other like governing bodies in Calhoun County in their pursuits therefor, there is, hereby created an Industrial

Development Authority for Calhoun County which shall be composed of twenty-four (24) members. All members of the Authority shall be residents and qualified electors of Calhoun County. Four of the members of the Authority shall be Calhoun County legislative delegation. Two of the members of the Authority shall be appointed by the Calhoun County Commission or other like governing body. The Mayors of Anniston, Hobson City, Jacksonville, Oxford, Piedmont and Weaver shall be members of the Authority and each shall appoint one resident citizen of their respective communities, who are at least twenty-one years of age, as the Authority. All members of the Authority shall serve for terms of four years. Successors to members of the Authority shall be appointed in the same manner as the original members are appointed and all members shall serve until their successors are so appointed. Vacancies on the board shall be filled by the appointing authority making the original appointment but any person appointed to fill a vacancy shall serve only for the unexpired portion of the term. In the event that any original position on the authority has not been filled, as herein provided for within thirty (30) days after the effective date of this act, then, the Calhoun County Commission shall have the right to appoint a qualified resident citizen of the appropriate community to fill said position.

Section 2. The Authority shall hold an organizational meeting within thirty days after the appointment of all its members and shall elect a Chairman and Vice Chairman from among its members. Such officers shall serve for such term as the Authority by rule or regulation may prescribe. After the organizational meeting, the Authority shall meet at the time and place designated in the call. The Chairman or a majority of its members may call a meeting of the Authority, and at least four meetings shall be held annually. The Chairman shall preside at each meeting of the Authority. In his absence, the Vice Chairman shall preside. A majority of the members of the Authority shall constitute a quorum. Members of the Authority shall receive no compensation for their services, but they shall be entitled to reimbursement for their actual and necessary expense incurred in the performance of their official duties.

Section 3. Upon the organization of the Industrial Development Authority of Calhoun County said Authority shall be constituted an instrumentality for the exercise of public and essential government functions and the exercise of the powers conferred by this act, and the development of the county shall be deemed to be an essential governmental function of the county.

Section 4. The Authority may employ a Director, who shall be its chief administrative officer and serve as secretary to the Authority. The Authority shall fix the salary of the Director who shall serve at its pleasure. The Director shall have authority to employ clerical and other assistants subject to the approval of the Authority. The Authority may require the Director to be bonded for the faithful performance of his duties before he enters upon the discharge thereof.

Section 5. The Authority or its agents and employees may (a) investigate, study and engage in basic research relative to the natural resources of land, water, minerals, and people in the county and apply its findings in efforts to promote a sound and balanced agricultural, industrial and economic development of the county; (b) cooperate with municipal, regional state or federal planning or other industrial development authorities; (c) publicize and advertise the industrial, commercial and agricultural resources and opportunities in the county; (d) collect, compile

and distribute literature concerning the facilities, advantages and attractions of the county, the educational, historic, recreational and scenic places of interest within the county and the air, water and highway transportation facilities, (e) contract with other agencies, individuals or corporations to promote the purposes of this act; and expressly to contract with any municipality in the county, not having an industrial development board, to act as the development agency for such municipality, and as such agency to exercise all powers granted to municipal development agencies under the general laws of the state; (f) enter upon any land in the county, with consent of the owner, and make examinations and surveys and place and maintain necessary monuments and markings thereon; (g) accept gifts, grants, bequests or devises; and (h) acquire land for industrial park development and construct buildings for lease, for industrial development only.

Section 6. The Authority may establish and maintain an office at some suitable place within the county, and cost of securing, furnishing, equipping, lighting, heating and maintaining such office shall be a lawful charge against any funds appropriated for the use of the Authority.

Section 7. The cost of operation of the Authority shall be borne by the county and the aforementioned cities and towns. On or before October 1 of each year, the Authority shall certify to the appropriate official of each city and town what the proportionate amount of the funding of the Authority shall be for said city or town, such amount to be based on the ratio of the population of the city or town to the total population of the county. Each city or town shall remit its proportionate amount on or before November 30 of each year. The authority shall then deposit such monies in a special fund in the county treasury to the credit of the Authority. All other funds otherwise coming into the hands of said Authority shall likewise be deposited in said fund. The ordinary and necessary operating expenses of the Authority, including the expenses of the Authority shall be paid out of Authority funds.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws in conflict with this act are appealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

## PROOF OF PUBLICATION

### STATE OF ALABAMA COUNTY OF CALHOUN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Phillip Sanguinetti, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was president of the The Anniston Star, a newspaper of general circulation published in Calhoun County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in

the issues of said paper on March 24, March 31, April 7 and April 14, all in the year 1975.

PHILLIP SANGUINETTI.

Sworn to and subscribed before me April 15, 1975.

LOLA J. BRIGHT,  
Notary Public.

Also:

By Messrs. Armstrong, Boles, Moore (O), White, Biddle, Gafford, Hall, Waggoner and Trammell:

H. 1110. Relating to Jefferson County; to prescribe the compensation of the Assistant Sheriff for the Bessemer Division of said county and to repeal all conflicting statutes.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Jefferson County; to prescribe the compensation of the Assistant Sheriff for the Bessemer Division of said county and to repeal all conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. The Assistant Sheriff for the Bessemer Division of Jefferson County shall receive the same salary and expense allowances as the Chief Deputy Sheriff of said county. Such salary and allowances shall be paid out of the county treasury as the salaries and allowances of other county employees are paid.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This act shall become effective at the beginning of the next pay period immediately following its passage and approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA  
JEFFERSON COUNTY

Before me, the undersigned Notary Public in and for the State and County aforesaid, personally appeared John M. McElroy, who being duly sworn, says on oath that he is Editor-Publisher of The Bessemer Advertiser, a newspaper published in the City of Bessemer, Jefferson County, Alabama, and that a legal notice was published for four weeks, consecutively, in said newspaper, a copy of which notice is hereto attached and made a part of this affidavit, and that the dates on which same was published were: June 13, 20, 27, July 4, 1975, and that the amount indicated hereon is a true and correct statement of the charges for publishing said notice.

Affiant further states that said newspaper is a newspaper having a general circulation in the county in which it is published, and that it has been mailed under second class mailing privilege for fifty-two (52) consecutive weeks prior to the publication of the foregoing advertisement.

JOHN McELROY,  
Editor-Publisher.

Subscribed and sworn to before me this the 9th day of July, 1975.

JOHN E. SMITH,  
Notary Public.

Also:

By Messrs. Brindley, Drake, Kelley, Mitchem, Killian, Starkey, Taylor, Ford, Weeks, Turnham, Martin, Roberts, McNees, Boles, Jolly, Gafford and Biddle:

H. 816. To name a certain building at Snead State Junior College.

Also:

By Messrs. Shelton, Burgess, Merrill and Quarles:

H. 832. To name the library at White Plains High School of Calhoun County for Mr. Eston R. Cobb.

Also:

By Messrs. Shelton, Burgess, Merrill and Quarles:

H. 831. To name the gymnasium at DeArmanville Junior High School of Calhoun County for Hugh D. Carter.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B. 568. To the Committee on Finance and Taxation.

H. B. 997. To the Committee on Local Legislation No. 1.

H. B. 1110. To the Committee on Local Legislation No. 1.

H. B.'s 816, 832 and 831. To the Committee on State Government.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

By Messrs. Pearson, Fine, Clemon, Gilmore, Bank, and Foshee:

S. 326. To create and establish the Alabama Board of Funeral Service; to establish rules and regulations; to provide for the licensing of funeral directors, embalmers and funeral establishments; to provide for

the examination for licenses; and to set fees therefor; to establish qualifications of applicants for licenses; to establish procedure for election and terms of members of the Board and to define powers and duties of the Board; to provide penalties; to merge the State Embalming Board into the Alabama Board of Funeral Service and provide that the latter Board shall perform all the functions and duties of the State Embalming Board; and to repeal Title 46, Sections 121 through 128, Code of Alabama 1940, and all other conflicting laws.

JOHN W. PEMBERTON,  
Clerk.

#### FURTHER CONSIDERATION OF S. B. 752

The Senate proceeded to further consideration of the Bill, S. B. 752. The question was on the substitute offered by Messrs. Stewart and Powell.

#### REPORT FILED

The first report of the Interim Committee to Study the Operation of Lawson Jr. College and Technical School created under the provisions of S. R. 80 was read and ordered filed with the Secretary.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 435. To make an appropriation for capital outlay purposes at the University of Alabama in Birmingham for the fiscal year ending September 30, 1975.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Merrill and Crowe:

H. 1551. To make an additional appropriation for salaries and other expenses for the use of the Legislature for the fiscal year ending September 30, 1975.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 1551. To the Committee on Finance and Taxation.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 231. MOURNING THE DEATH OF JOSEPH DOTCH.

Also:

H. J. R. 232. CONGRATULATING MRS. MINNIE BISHOP UPON RETIREMENT.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

## FURTHER CONSIDERATION OF S. B. 752

The Senate proceeded to further consideration of the Bill, S. B. 752. The question was on the substitute offered by Messrs. Stewart and Powell.

## BILL RE-REFERRED

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in session, had acted on the Bill, S. B. 1046, and ordered same returned to the Senate with the recommendation that it be re-referred.

And the President and Presiding Officer of the Senate ordered said Bill, S. B. 1046, re-referred to the Standing Committee on Finance and Taxation.

## REPORTS OF COMMITTEES RESUMED

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Gilmore:

S. 1067. Relating to all counties having populations of not less than 36,500 nor greater than 39,200 according to the most recent federal

decennial census; to authorize branch banks in any such city or town located wholly or partly in such county having not less than 1,200 inhabitants according to the last or any subsequent federal decennial census, provided such bank shall have been in existence, operation or under construction in any such county prior to January 1, 1975; to deem authorized any such branch banks at the time established; and to ratify and confirm any action taken by such branch banks prior to passage of this bill.

By Mr. Little:

S. 1035. Relating to the largest city in all counties having a population of not less than 60,000 nor more than 65,000 inhabitants according to the most recent or any subsequent federal decennial census; to empower recorders courts in said counties to suspend sentences or grant probation under certain conditions.

By Mr. Wilson:

S. 1033. Relating to all counties having populations of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census, fixing the base salary for the secretaries in the offices of the Judge of the Inferior Court, the Intermediate Court, and the District Attorney's Office.

By Mr. Foshee:

S. 912. To amend Sections 5 and 6 of Act No. 908, H. 1286, 1969 Regular Session (Acts of 1969, p. 1636) as amended, relating to election procedures in certain counties having populations of not less than 34,000 nor more than 34,800, according to the most recent federal decennial census, so as to change the number of election officials, their compensation, and the duty of the county governing body.

By Mr. Little:

S. 906. To designate by number the various places upon the governing body, to fix and stagger the terms of office of such places, and to provide for election to each, and to fix the term of office and provide for the election of the Mayor in all cities having a population of not less than 22,000 nor more than 25,000 according to the last or any subsequent Federal Decennial Census.

By Messrs. Mitchell, Jones and Powell:

S. 894. Relating to the Fifteenth Judicial Circuit of Alabama, and allowing County Commissions to provide stenographic, secretarial, clerical and administrative personnel for the Circuit Judges thereof.

By Mr. Fine:

S. 900. To amend Section 2 of Act No. 343, H. 815, 1969 Regular Session (Acts of 1969, p. 715; now appearing in Code of Alabama, Recompiled 1958, Title 13, Section 125 (94e) ), as amended so as to provide for a raise in the maximum amount payable to the Deputy District Attorney of the 31st Judicial Circuit.

By Mr. McDonald (S) (with notice and proof):

S. 946. To amend Section 2 of Act No. 673, S. 800, Regular Session 1969 (Acts of Alabama 1969, p. 1206) relating to the office of sheriff of



Marshall County so as to further provide for the number of employees and their compensation.

By Mr. Perry:

S. 945. To authorize all counties having populations of not less than 24,900 nor greater than 25,150 according to the most recent federal decennial census, to construct and maintain, wholly within the county, offices for persons engaged in the diagnosis, treatment and cure of sick and injured persons, buildings to house or service equipment used for the diagnosis or treatment of sick or injured persons or the records of such diagnosis or treatment or research with respect thereto, and appurtenant facilities (and to acquire sites therefor); to authorize any such county to borrow money and to issue interest-bearing bonds, warrants and notes for the purpose of financing the construction of any such offices, buildings and facilities, and the acquisition of such sites; to provide that such bonds, warrants or notes may be general obligations of the issuing county or may be limited as to their source of payment and to authorize special pledges therefor; to authorize any such county to lease to one or more physicians all or any part of such offices, buildings and facilities; to prescribe certain conditions precedent that must be complied with before a county may construct or finance any such offices, buildings and facilities; to prohibit a county from leasing or renting any such offices, buildings or facilities unless the lease or rental arrangement obligates the lessees or tenants to pay rental aggregating not less than the fair rental value thereof; and to provide that the failure of any such county to comply with the provisions of this act relating to the leasing or renting of such offices, buildings or facilities shall not affect the validity or legality of any securities issued for the purpose of constructing such offices, buildings and facilities.

By Mr. Weaver:

S. 939. Relating to all counties having a population of not less than 27,900 nor more than 33,500 according to the most recent federal decennial census, setting the salary for the county solicitor or deputy district attorney.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Edwards (with notice and proof) (With Amendment):

S. 937. To amend Sections 3, 16 and 17 of Act No. 129, S. 97, Regular Session 1939, (Local Acts 1939, p. 70) creating the county governing body of Morgan County so as to further provide for meetings of the commission, filling of vacancies and funds from which salaries are paid.

By Mr. Edwards (with notice and proof) (With Amendment):

S. 936. To require the Probate Judge of Morgan County to decline to receive for record in his office any map or plat upon which any lands lying within Morgan County but outside the corporate limits of any municipality with a planning commission or planning board are platted or mapped as streets, alleys or other public ways for subdivision purposes or otherwise unless such map or plat shall have noted thereon the approval of the Morgan County engineer. If, however, said lands be within the

corporate limits and police jurisdiction of a municipality with a planning commission or planning board there must be noted thereon the approval of the municipal governing body or municipal engineer.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Edwards (with notice and proof):

S. 935. Relating to Morgan County; to provide for the location of the offices of the county board of education.

By Mr. Edwards (with notice and proof):

S. 934. Relating to Morgan County; to allow the probate judge's office to close upon authorization by the county commission.

By Mr. Edwards:

S. 926. Relating to all counties having a population of not less than 75,000 nor more than 90,000 inhabitants according to the most recent federal decennial census; granting to corporations organized under and pursuant to the provisions of Act No. 218, adopted at the 1967 Special Session of the Legislature of Alabama, approved May 10, 1967, as amended, the authority to appoint and employ suitable persons to act as police officers to keep off intruders and prevent trespass upon and damage to the property and grounds of the corporation and to apprehend those violating applicable laws and ordinances on or near such property and grounds of the corporation and upon any public ways contiguous to any part of such property and grounds; charging and investing such persons with the duties and powers of police officers when acting as authorized by the Act and granting to such officers the authority to eject trespassers from corporation buildings and grounds; providing the authority and procedure for arrest and prosecution of offenders by such officers, with and without warrant; providing for the jurisdiction of such officers granted by the Act to be co-extensive with the jurisdiction and authority of police officers of the municipality within which the buildings and grounds of the corporation are located; exempting such officers from the terms, provisions, and conditions of Act No. 1981, adopted at the 1971 Regular Session of the Legislature of Alabama, approved September 20, 1971, as amended; providing that the Act shall be construed liberally; and providing for the severability of the provisions of the Act, and for its effective date.

By Messrs. Torbert and Little (with notice and proof):

S. 982. To amend further Act No. 496, H. 930, Regular Session 1953 (Acts 1953, p. 624) as amended, which prescribes the salaries of certain officers of Chambers County and provides for their assistants and the office space and equipment necessary for the conduct of their offices, so as to increase the salary of certain officers.

By Mr. Mims (with notice and proof):

S. 967. To alter and rearrange the boundary lines of the Town of Flomaton, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory in Escambia County, Alabama, contiguous of said Town.

By Mr. Perry:

S. 959. To authorize all counties having populations of not less than 24,900 nor greater than 25,150 according to the most recent federal decennial census, to construct and maintain, wholly within the county, offices for persons engaged in the diagnosis, treatment and cure of sick and injured persons, buildings to house or service equipment used for the diagnosis or treatment of sick or injured persons or the records of such diagnosis or treatment or research with respect thereto, and appurtenant facilities (and to acquire sites therefor); to authorize any such county to borrow money and to issue interest-bearing bonds, warrants and notes for the purpose of financing the construction of any such offices, buildings and facilities, and the acquisition of such sites; to provide that such bonds, warrants or notes may be general obligations of the issuing county or may be limited as to their source of payment and to authorize special pledges therefor; to authorize any such county to lease to one or more physicians all or any part of such offices, buildings and facilities; to prescribe certain conditions precedent that must be complied with before a county may construct or finance any such offices, buildings and facilities; to prohibit a county from leasing or renting any such offices, buildings or facilities unless the lease or rental arrangement obligates the lessees or tenants to pay rental aggregating not less than the fair rental value thereof; and to provide that the failure of any such county to comply with the provisions of this act relating to the leasing or renting of such offices, buildings or facilities shall not affect the validity or legality of any securities issued for the purpose of constructing such offices, buildings and facilities.

By Mr. Wilson (with notice and proof):

S. 988. Relating to Walker County; levying a 4 mill ad valorem tax to be paid to the Walker County Board of Education and distributed by the Walker County Board of Education in accordance with amendment No. 204 to the 1901 Constitution of the State of Alabama; providing for the purposes to which the funds provided by said tax are to be put; further providing that such tax shall take effect upon being approved by the voters of said county in an election to be called by the governing body of Walker County, Alabama and pursuant to the Constitution of Alabama and the law relating thereto.

By Mr. Wilson:

S. 989. To levy a tax of 5% of the wholesale price excluding all taxes upon the selling, distributing, storing, or withdrawing from storage in Walker County, Alabama, for any use gasoline as defined by Section 646 of Title 51 of the 1940 Code of Alabama, and to provide the method of collecting the tax and to prescribe and restrict the use to which the proceeds thereof may be applied, to repeal prior taxes on gasoline imposed by local Act, for use of Walker County.

By Mr. St. John:

S. 1021. To protect and preserve water purification and prevent water contamination by prohibiting strip mining in certain areas contiguous to Lewis Smith Lake in counties having populations of not less than 50,000 nor more than 52,500 inhabitants, according to the most recent federal decennial census; to prescribe penalties for violations; and generally to promote the health and welfare of the inhabitants of such counties.

By Mr. St. John:

S. 1025. To protect and preserve water purification and prevent water contamination by prohibiting strip mining in certain areas contiguous to Lewis Smith Lake in counties having populations of not less than 16,600 nor more than 16,950 inhabitants, according to the most recent federal decennial census; to prescribe penalties for violations; and generally to promote the health and welfare of the inhabitants of such counties.

By Mr. Shelby (with notice and proof):

S. 1022. Relating to Tuscaloosa County, to provide further for the compensation of members of boards of registrars in such counties.

By Messrs. Teague, McCluskey, Dial and Moore (O):

H. 1289. To amend the title and Section 1 of Act No. 235, H. 904, Regular Session 1965 (Acts 1965, P. 339), which provides further for redeeming land sold for taxes, transfers certain duties of the probate judge to the tax collector of certain counties classified on a population basis.

By Messrs. Clark and Manley (with notice and proof):

H. 1040. To provide for and create the Greene County Racing Commission, for the regulating, licensing and supervision of Greyhound racing and wagering thereon; to prescribe the composition, appointment, powers, and duties of the commission; to provide for and regulate the parimutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the act; and to provide certain penalties for the violation of this act and for other purposes relative thereto, and to provide for a referendum of the voters of the county on the question of whether the act will become effective in the county.

By Messrs. Venable, Smith (C), and Plaster:

H. 619. To further amend Section 1 of Act No. 81, H. 76, 1967 Special Session (Acts of 1967, p. 114, now appearing in Code of Alabama, Recompiled 1958, as Title 13, Section 125 (79a) ) so as to provide that the secretary of the district attorney for the nineteenth judicial circuit of Alabama shall be paid the same salary as that of the top step position for a clerk stenographer three in state service.

By Messrs. Campbell and Manley (with notice and proof):

H. 693. Authorizing the county commission of Sumter County to pay the sheriff of Sumter County a monthly expense allowance of two hundred fifty dollars (\$250.00).

By Messrs. Campbell and Manley (with notice and proof):

H. 487. To amend Sections 2, and 6 of Act No. 1703, H. 2502 of the 1971 Regular Session (Acts 1971, p. 2862), entitled, "An act to establish a Sumter County court of record for Sumter County, Alabama, to define its jurisdiction and powers; to provide for its officers, their powers and duties and compensation; to provide that said court shall be open at all times for the trial of cases and transaction of business; to provide the rules and procedure for said court; to provide a fine and forfeiture fund for said

court; and to abolish the county court of Sumter County, Alabama," so as to provide an expense allowance for the judge of said court, and to increase the jurisdictional amount of said court.

By Mr. Cross:

H. 1363. Relating to Counties having populations of not less than 27,000 nor more than 27,500 providing further for the distribution of fines and forfeitures from convictions in certain cases of traffic violations in such counties.

By Messrs. Roberts, Drake, Cross and Martin (with notice and proof):

H. 1330. Relating to Morgan County; to provide that the Sheriff shall be entitled to the allowances payable by the state for feeding prisoners; to provide that the provisions of this Act shall be retroactive to October 1, 1974.

By Messrs. Roberts, Drake, Cross and Martin (with notice and proof):

H. 1329. Providing for a county board of equalization and adjustment for Morgan County; providing for abolishing the existing County Board of Equalization and transferring its duties to the County Board of Equalization and Adjustment; further regulating the appointment and removal of the members of the board, the terms of service, the compensation, the expense allowance of the members of the board; making further provision in regard to office space, office furniture and supplies of the board, and providing for the employment of clerks and other employees of the board; providing for the operation of the board; and adopting certain provisions of the statutes applicable to county boards of equalization; and providing for the severability of the provisions of the act and for its effective date.

Mr. Littleton, chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. McCluskey (with notice and proof) (With Substitute):

H. 1389. Relating to Coosa County, providing monthly expense allowances for the tax assessor, tax collector, and circuit clerk of said county; and giving this Act retroactive effect.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Cates:

H. 1376. Relating to all counties having populations of not less than 22,000 nor more than 22,500, according to the most recent federal decennial census; providing further for the distribution of fines and forfeitures from convictions in certain cases of traffic violations; validating, ratifying and confirming all prior deposits of such fines and forfeitures; repealing all conflicting laws and parts of laws, general, local, and special.

By Messrs. Carter and Moore (W):

H. 968. Relating to any county having a population of not less than 39,500 nor more than 41,750, to abolish the fine and forfeiture fund of such county; to provide for the payment of certain fines and forfeitures collected into the general fund of the county; to provide for the payment of certain claims from the general fund of the county in lieu of the fine and forfeiture fund and to provide for the registration of those claims now outstanding and those hereafter accruing.

By Messrs. Moore (O), Smith (C) and Waggoner (with notice and proof):

H. 983. To amend Section 1 of Act No. 140, Special Session, 1966, Page 170 relating to Shelby County, which authorized the County Governing body to appropriate funds for retirement benefits to certain county employees by increasing the retirement benefits from \$75.00 per month to \$150.00 per month commencing as of January 1, 1975.

By Mr. Holley:

H. 1005. Relating to counties having populations of not less than 34,100 nor more than 34,900 according to the most recent federal decennial census; to regulate further the taking of fish from public streams; authorizing the taking of non-game fish by the use of wire mesh baskets, on which a privilege license tax has been paid; prohibiting the taking of non-game fish from public lakes; prohibiting the sale of fish so taken; prescribing penalties for violation of this act.

By Messrs. Merrill, Shelton and Burgess (with notice and proof):

H. 990. Relating to Calhoun County; to provide that the provisions of Act No. 384, H. 946, 1969 Regular Session (Acts of 1969, p. 754) which provides a civil service system for the employees of the sheriff's office of Calhoun County shall apply to certain regular employees of Calhoun County; to enlarge the civil service board, created by said Act No. 384 and provide further for the appointment of members of such board; to repeal Act No. 138, S. 294, 1951 Regular Session (Acts of 1951, p. 363) and other conflicting acts.

By Messrs. Baker and Whatley (with notice and proof):

H. 966. To authorize and provide for the establishment of emergency medical services for the sick, infirm and injured in Russell County.

By Messrs. Taylor, Ford, Rich and Brindley (with notice and proof):

H. 1014. Relating to Etowah County, to authorize the Etowah County Commission, to impose an additional privilege or excise tax upon the sale, use or consumption of malt or brewed beverages within such counties; providing for the administration of the Act and the collection and distribution of proceeds of the tax.

By Messrs. Taylor, Ford, Rich and Brindley (with notice and proof):

H. 1015. To prescribe duties and powers of the stenographic secretaries of the District Attorney of the Sixteenth Judicial Circuit.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable

report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Taylor, Ford, Rich and Brindley (with notice and proof) (With Amendment):

H. 1016. Relating to Etowah County; authorizing the Etowah County Commission to impose a privilege or license tax upon the sale, distribution, storage, use or other consumption of cigarettes in said county; providing for enforcement and collection of the tax, and making provisions for the distribution of the proceeds.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Sparks and Drake (with notice and proof):

H. 1020. To amend Act No. 1242, H. 1633, 1971 Regular Session (Acts 1971, p. 2144) entitled "An Act Relating to Cullman County; to prescribe the amount of the director's fee which may be paid to members of the board of directors of certain gas districts", so as to increase the amount of the director's fee.

By Messrs. Martin, Roberts, Cross and Drake (with notice and proof):

H. 1045. Relating to Morgan County; to alter, rearrange and extend the boundary lines and corporate limits of the Town of Trinity.

By Messrs. Crowe and Naramore:

H. 1099. To apply in all counties having populations of not less than 55,500 nor more than 56,500, according to the most recent Federal decennial census, regulating the compensation of election officers.

By Messrs. Carothers, Smith (J) and Crawford (with notice and proof):

H. 1063. Relating to Houston County; to provide an additional expense allowance for the Coroner.

By Mr. Smith (J) (with notice and proof):

H. 1127. To authorize the county commission or other like governing body of Geneva County to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

By Mr. Kinsey (with notice and proof):

H. 1128. To alter or rearrange the boundary lines of the Town of Gulf Shores, Baldwin County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Baldwin County, Alabama.

By Mr. Smith (J) (with notice and proof):

H. 1159. To alter or rearrange the boundary lines of the City of Geneva, Geneva County, Alabama, so as to include within the corporate

limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Geneva County, Alabama.

By Messrs. Crowe and Naramore (with notice and proof):

H. 1253. Relating to Walker County; amending Act No. 598, H. 1640, Regular Session 1973 (Acts 1973, p. 858), which act creates the office of Assistant District Attorney for the Fourteenth Judicial Circuit, so as to provide further for the compensation of such assistant.

By Mr. Dial:

H. 1246. Relating to counties having a population of not less than 12,000, nor greater than 12,800, according to the latest Federal decennial census; allowing the clerk of the county court to destroy county court warrants, with the exception of unexecuted arrest warrants, after two years from the date of service of said warrant.

By Messrs. Crowe and Naramore (with notice and proof):

H. 1254. Relating to Walker County; to abolish the office of Solicitor of the County Court of Walker County and transfer all duties of said office to the district attorney's office of said county, providing also that the salary heretofore payable to the solicitor of the County Court of Walker County shall hereafter be transferred to the district attorney's office of the Fourteenth Judicial Circuit to be used for the salary of the assistant district attorney.

By Mr. Dial:

H. 1245. Amending further Section 1 of Act No. 121, H. 22, Special Session 1971 (Acts 1971, p. 204), as amended, fixing the fee for pistol permits in counties having a population of not less than 12,000 nor more than 12,800 so as to provide for the distribution of fees collected by issuance of such permits.

By Messrs. Holley and Folmar:

H. 248. To repeal Act No. 1205, H. 31, 1971 Regular Session (Acts of 1971, p. 2091), entitled "An Act Relating to counties having a population of not less than 34,100 nor more than 34,900 according to the most recent federal decennial census; to provide further for the type of newspapers in which certain notices required to be published in newspapers under the provisions of Section 713, Title 7, Code of Alabama 1940, may be published."

By Mr. Morris:

H. 422. To provide further for the salary of any deputy clerk or register in a city other than the county seat in counties having a population of not less than 33,550 nor more than 34,000 according to the most recent federal decennial census.

By Mr. Morris:

H. 427. To provide an increase in salary for the deputy circuit clerk serving in the western one-half ( $\frac{1}{2}$ ) of all counties having a population of not less than 33,550 nor more than 34,000 inhabitants according to the most recent or any subsequent federal decennial census.



By Mr. Goodwin (with notice and proof):

H. 441. Relating to the coroner's office in Franklin County; to provide for the coroner to appoint a deputy coroner; to prescribe the duties and compensation of said office; to provide for an increase in the compensation of the coroner's secretary and to repeal all conflicting statutes.

By Mr. Wyatt (with notice and proof):

H. 188. Relating to the unincorporated community of Arrowhead in Montgomery County; providing that whenever the owner of a vacant platted lot contiguous to a dwelling fails or refuses to mow the grass and weeds thereon and/or collect debris therefrom after ten days written notice or by notice posted on said vacant platted lot by any adjacent householder or county engineer upon demand thereafter by such householder the county engineer shall have it done and send the lot owner the bill for the reasonable cost of such services, which shall become a lien upon the real property; and provided adjoining householder who enters premises in pursuant to this act shall not be a trespasser.

By Mr. McCluskey:

H. 295. To repeal Act No. 432, S. 665, 1973 Regular Session (Acts of 1973, p. 625), and Act No. 583, H. 1603, 1973 Regular Session (Acts of 1973, p. 840), which are identical Acts and which are both entitled "An Act Relating to counties having populations of not less than 10,660 nor more than 10,900 according to the most recent federal decennial census; to provide for an expense allowance for the sheriff in such counties; to repeal conflicting laws."

By Messrs. Merrill, Burgess, Quarles and Shelton:

H. 529. To amend Article X, Section 10.1 of Act No. 404, S. 430, Regular Session 1953 (Acts 1953, p. 472) providing for the Council-Manager form of government in cities having a population of not less than 30,000 nor more than 33,000 according to the most recent federal decennial census, so as to provide that the question of the abandonment of the Council-Manager form of government may not be re-submitted within two years after any other election thereon.

By Messrs. Merrill, Shelton, Quarles and Burgess (with notice and proof):

H. 530. Relating to Calhoun County; to relieve and exempt the license commissioner from personal liability for errors, mistakes and omissions of employees serving under him.

By Mr. Rich:

H. 717. Relating to counties having a population of not less than 15,400 and not more than 15,625, according to the last federal decennial census; to provide that the county commission or other like governing body shall provide without charge therefor, appropriate office space in the county courthouse for any member of the state legislature representing any portion of such counties.

By Mr. McCluskey (with notice and proof):

H. 294. Relating to Coosa County; to provide an expense allowance for the sheriff and to give the provisions of this Act retroactive effect.

By Mr. Weeks (with notice and proof):

H. 597. To provide for additional compensation and method of payment of the Clerk of the Court of Marion County, Alabama, In Law.

By Mr. Weeks (with notice and proof):

H. 599. To make an appropriation from the Marion County treasury for the relief of Ronnie Cook.

By Mr. Weeks (with notice and proof):

H. 598. To make an appropriation from the Marion County treasury for the relief of Ray Howell.

By Mr. Robertson:

H. 653. Further relating to commercial fishing in public waters in all counties having populations of not less than 18,500 nor more than 20,500; to authorize and provide for a commercial fisherman's helper for certain such fishermen; to provide for the issuance of permits for such helpers; to prescribe the fees for such permits; to provide for their collection and distribution; and to prescribe penalties for violations of this act.

By Mr. McNeese:

H. 582. Relating to counties having a population of not less than 14,000 nor more than 15,000 inhabitants according to the most recent federal decennial census, providing that persons serving on jury duty in such counties shall receive \$10.00 per day for such service, in addition to mileage of 10¢ per mile, and repealing all conflicting laws.

By Mr. McNeese:

H. 581. Relating to counties having a population of not less than 14,000 nor more than 15,000 inhabitants according to the most recent federal decennial census, providing that the circuit court bailiffs of such counties shall receive ten dollars (\$10) per day for each day of service.

By Messrs. Carothers, Crawford and Smith (J) (with notice and proof):

H. 833. To amend further Act No. 273, S. 292, approved August 7, 1947, (1947 Local Acts, p. 196), as amended and as last amended, which is designated "The Civil Service Act of Dothan".

By Mr. Crawford (with notice and proof):

H. 594. To alter, re-arrange and extend the boundaries of the Town of Kinsey, in Houston County, Alabama.

By Mr. Kinsey (with notice and proof):

H. 630. To alter or rearrange the boundary lines of the Town of Gulf Shores, Baldwin County, Alabama.

By Messrs. Brindley and Jolly (with notice and proof):

H. 817. To provide for an additional expense allowance for the coroner of Blount County; to make the provisions of this Act retroactive.

By Mr. McCluskey (with notice and proof):

H. 861. Relating to Coosa County, to amend Section 4 of Act No. 102, H. 222, Regular Session 1969 (Acts of 1969, p. 383), which act levys a

sales and use tax on the sale and distribution on malt or brewed beverages, so as to allow the sheriff to confiscate such beverages which are untaxed.

By Mr. McNees:

H. 893. To amend Section 1, Act No. 667, H. 1789, Regular Session 1973 (Acts of 1973, p. 1005), entitled "An Act Relating to all counties having populations of not less than 16,245 nor more than 16,300; providing additional clerk hire allowances for the offices of the probate judge, tax assessor, tax collector and circuit clerk in such counties," so as to provide for an increase in the amount of said allowances.

By Mr. McNees:

H. 894. To amend Section 1 of Act No. 665, H. 1787, 1973 Regular Session (Acts of 1973, p. 1004), entitled "An Act To provide expenses allowances for members of the county commission of all counties having populations of not less than 16,245 nor more than 16,300 according to the most recent federal decennial census," so as to increase the amount of the expense allowance.

By Mr. McCluskey (with notice and proof):

H. 929. Relating to Coosa County; providing additional expense allowance for members of the county commission, making the provisions of this act retroactive.

By Messrs. Coburn and Goodwin (with notice and proof):

H. 950. Relating to Colbert County; to provide for the compensation of certain officers and officials in such county; to provide for referendum approval of said compensation as to each officer and to repeal laws or parts of laws in conflict with the provisions hereof which become effective.

By Messrs. Holmes, Wyatt, Lewis and Plaster:

H. 265. To require at least one member of the board of registrars in all counties having populations of not less than 150,000 nor more than 180,000 according to the most recent or any subsequent decennial census to visit each legislative house district for the purpose of accepting forms for the reidentification of voters and for the purpose of accepting applications for the registration of voters; to provide for the designation of places to be visited; to provide further for the compensation and mileage of members of the board.

By Messrs. Wyatt, Plaster, Harris and Lewis:

H. 823. Relating to all counties having populations of not less than 125,000 nor more than 175,000 according to the most recent federal decennial census, to authorize and provide for an additional expense allowance for the sheriff.

By Mr. McCluskey (with notice and proof):

H. 976. Relating to Coosa county; to provide further for the type of newspapers in which certain notices required to be published in newspapers under the provisions of Section 713, Title 7, Code of Alabama 1940, may be published.

By Mr. Turnham (with notice and proof):

H. 935. To amend further the title of Section 1 of Act No. 853, H. 1152, Regular Session 1961 (Acts 1961, p. 1292), as amended, which requires the commissioner and state department of revenue to collect sales taxes for the town of Camp Hill, Tallapoosa County.

By Messrs. Crowe and Naramore (with notice and proof):

H. 838. To further amend Act No. 103, H. 372, Regular Session 1963 (Acts 1963, V. 1, p. 486) an Act fixing the compensation of the Walker County Superintendent of education.

By Mr. McNees:

H. 957. Relating to counties having a population of not less than 14,000 nor more than 15,000 inhabitants according to the most recent federal decennial census; to provide an increased clerk hire allowance for certain county officials.

By Messrs. Moore (O), Waggoner and Smith (C) (with notice and proof):

H. 870. Providing for the method of acknowledging full or partial satisfaction of any recorded mortgage or other lien in the records of the office of the Judge of Probate of Shelby County.

By Messrs. Moore (O), Waggoner and Smith (C) (with notice and proof):

H. 871. To authorize the county governing body of Shelby County to appropriate funds for lunches and an allowance of not more than \$1.00 per week per prisoner sentenced to and performing hard labor in Shelby County, as a weekly allowance for such prisoners and to purchase lunches for those prisoners who are at hard labor away from the county jail.

By Messrs. Moore (O), Waggoner and Smith (C) (with notice and proof):

H. 872. To require the installation and maintenance of an improved system of recording documents affecting the title to property and other documents and recorded in the office of the Judge of Probate of Shelby County; to provide that said system shall constitute official and permanent records in Shelby County; to provide for a special index fee of \$1.00 in addition to all existing recording fees and charges, for each such document hereafter filed for record in Shelby County.

By Messrs. Moore (O), Waggoner and Smith (C) (with notice and proof):

H. 873. To authorize the county governing body of Shelby County to adopt a resolution and thereby authorize all polling places to remain open between the hours of 8:00 a.m. and 7:00 p.m. at all state and local elections held within such counties.

By Messrs. Moore (O), Waggoner and Smith (C), (with notice and proof):

H. 874. To prohibit the Probate Judge or any other official or any employee of Shelby County from selling, lending, giving, or otherwise disposing of a computer printout of the list of registered voters of Shelby County.

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Smith (C) and Plaster:

H. 1022. To amend Section 1 of Act No. 471, S. 189, Regular Session 1969, (Acts of 1969, p. 914; now appearing in Code of Alabama, 1940, Recompiled 1958, Title 55, Section 531, entitled "An Act To provide for the regulation and control of state-owned motor vehicles for official use by state officers and employees; to limit the number, cost and use of such vehicles, to provide for a transportation pool and to fix the responsibility for the maintenance and repair of vehicles therein; to establish a revolving fund for the use of the transportation pool, providing for the payment of certain fees and charges for the use of pool cars to be paid into such fund and appropriating state funds therefor; to provide for the administration and enforcement of this act and to prescribe penalties for violations; to ratify all acts of the Governor and finance director in establishing a transportation pool and to validate the transfer of funds allocated to state departments for the acquisition of automobiles to the finance department for the establishment of a transportation pool"; so as to place certain limitations on the size of such vehicles to be purchased for use by any employee, official or officer of the state except certain law enforcement personnel and constitutional officers.

Mr. Pearson, Chairman of the Standing Committee on Conservation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Powell, Mims, Stewart, King, Jones, Shelby, Foshee, Littleton, Vacca, Givhan, Noonan, Bank, Ellis, Perry, McDonald (A), Weaver and Fine:

S. 962. To designate the Alabama Historical Commission as the agency responsible for retaining the historic and architectural integrity of the State Capitol, a National Historic Landmark.

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Hill (With Substitute):

H. 753. To amend Section 6 of Act No. 48, H. 413, Regular Session 1973 (Acts 1973, p. 76) regulating the employment of all legislative employees so as to provide for the employment of one additional page for each house to be appointed upon recommendation of the Department of Youth Services.

#### FURTHER CONSIDERATION OF S. B. 752

The Senate proceeded to further consideration of the Bill, S. B. 752. The question was on the substitute offered by Messrs. Stewart and Powell.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

By Mr. Stewart:

S. 783. To provide that bonds, notes and other securities issued by certain public hospital corporations shall be exempt from laws governing usury or prescribing or limiting interest rates.

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Naramore, Crowe, Waggoner, Manley, Folmar, Robertson, McCluskey, Reed, Pegues, Sparks, Gafford, Harrison, Baker, Carter, Moore (W), Martin, Mitchem, Cross, Cooper, Johnstone, Glass, Harris, Hines, McMillan, Kinsey, Callahan, Jackson (F), Smith (J), Weeks, Andrews, Plaster, Lewis, Coburn, Smith (C), Porter, Moore (O), White, Greer, McNair, Clark, Killian and Howard:

H. 271. To make appropriations for the support and maintenance of the Walker County Junior College located at Jasper, in Walker County.

Also:

By Messrs. Pegues, Reed, Manley, Campbell, Plaster, Crowe, Kinsey, Johnstone, Falkenburg, Howard, Hines, Jackson (F), Hopping, Naramore, Carter, Baker, Holley, Andrews, Cooper, Harrison, Owens, McCluskey, Quarles, Killian, Drake, Cross, Martin, Shelton, Moore (W), Rich, Carothers, Moore (O), Weeks, Greer, McNair, Folmar, Hilliard, Smith (C), Mitchem, LeFlore, Smith (J), Edwards, Smith (B), Lewis, Turnham, Callahan, Glass, Biddle, White, Gafford, McMillan, Riddick, Dial, Cates, Harris, Sparks, Crawford, Lockett, Whatley, Sandusky, Taylor, Hill, Clark, Morris, Teague and Kelley:

H. 476. To make appropriations for support and maintenance of the Marion Institute, located in Perry County.

Also:

By Messrs. Morris, Biddle, Gafford, Merrill, Coburn and Owens:

H. 457. To make appropriations for the support and maintenance of the Lyman Ward Military Academy.

Also:

By Messrs. Reed, Drake, Quarles, Turnham, McNair, Crowe, Lewis, Porter, Harrison, Holmes, Cooper, Johnstone, Sandusky, Teague, Hilliard, Hopping, White, Martin, Naramore, Callahan, Kinsey, Sonnier, Harris, Smith (C), Smith (J), Baker, Higginbotham, Whatley, Crawford, Edwards, Dial, Lockett, McCluskey, Holley, Albright, Hines, McMillan, Glass, Owens, Jackson (F), Burgess, Weeks, McNees, Howard, Robertson, Clark, Manley, Tucker, Sasser, Cross, Carter, Roberts, Killian, Smith (B), Andrews, Gafford, Kennedy, Armstrong, Pegues, Campbell, Greer, Carothers and Jackson (R):

H. 584. To make appropriation for the support and maintenance of the Tuskegee Institute located in Macon County for the next fiscal year.

Also:

By Messrs. Teague, McCluskey, Dial, Crowe, Moore (O), Gafford, Pegues, Quarles, Edwards, Morris, McNair, Shelton, Malone, Cooper, Hill, Narmore, Harrison, Carter, Roberts, Cross, Plaster, Smith (C), Jackson (F), Porter, Reed, Mitchem, Merrill, Sparks, LeFlore, Goodwin, Robertson, Andrews, Howard and Hopping:

H. 488. To make appropriations for the support and maintenance of Talladega College.

Also:

By Messrs. Gafford and Waggoner:

H. 1194. To amend Section 7 of Act No. 775 enacted at the 1951 Regular Session of the Legislature of Alabama which section provides for the issuance of revenue bonds by a board of water and sewer commissioners, by changing the rate of interest that such bonds may bear.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B.'s 271, 476, 457, 584 and 488. To the Committee on Finance and Taxation.

H. B. 1194. To the Committee on Banking.

#### FURTHER CONSIDERATION OF S. B. 752

The Senate proceeded to further consideration of the Bill, S. B. 752. The question was on the substitute offered by Messrs. Stewart and Powell.

Mr. Torbert offered the following amendment to the substitute for the Bill, S. B. 752, to-wit:

#### AMENDMENT TO SUBSTITUTE FOR S. B. 752

Amend substitute for Senate Bill No. 752, Page 6, beginning on Line 26, by striking out Section 7 in its entirety and renumbering the following sections accordingly.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Crawford, Williams and Carothers:

H. 828. Relating to the eradication and control of swine diseases: to make an appropriation to the department of agriculture and industries for

the fiscal year ending September 30, 1976 to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of cholera, African swine fever and other swine diseases.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 828. To the Committee on Agriculture.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Reed, Albright, Andrews, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt:

H. J. R. 267. MOURNING THE DEATH OF WILLIAM REID PERRY.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 267, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Edwards and Plaster:

H. 1555. Relating to Lowndes County; to authorize the county governing body to maintain roadways and driveways connecting private residences with public roads.



With notice and proof thereto attached and herewith exhibited as follows:

### LEGAL NOTICE

#### STATE OF ALABAMA COUNTY OF LOWNDES

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

Relating to Lowndes County; to authorize the county governing body to maintain roadways and driveways connecting private residences with public roads.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing body of Lowndes County is hereby authorized and empowered to maintain roadways connecting private residences with public roads up to a distance of  $\frac{1}{4}$  of a mile.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### PROOF OF PUBLICATION

#### STATE OF ALABAMA COUNTY OF LOWNDES

Before me, the undersigned authority in and for said County in said State, this day personally appeared Cecil B. Cross, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the The Lowndes Signal, a newspaper of general circulation published in Lowndes County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 10, July 17, July 24, and July 31, all in the year 1975.

CECIL B. CROSS, JR.

Sworn to and subscribed before me August 8, 1975.

R. R. NORMAN, JR.,  
Notary Public.

Also:

By Messrs. Hilliard, Jackson (R), Harrison, Andrews, Trammell, Jolly, White, Falkenburg, McNair, Tucker, Hall, Hopping and Howard:

H. 1403. To allow any county having a population of 600,000 or more according to the most recent federal decennial census to sell to a licensed gun dealer or to maintain for its own use any gun seized under the provisions of Section 173, 174, or 175 of Title 14 of the Code of Alabama 1958 recompiled and amended.

Also:

By Messrs. Moore (O), Smith (C) and Waggoner:

H. 1488. To provide that the Shelby County Commission is authorized to provide an additional expense allowance to certain county officers.

With notice and proof thereto attached and herewith exhibited as follows:

### LEGAL NOTICE

Notice is hereby given of intention to apply at the present session of the Legislature of Alabama, for introduction and passage of a Bill the substance of which, as distinguished from details, is and will be the following:

### A BILL TO BE ENTITLED AN ACT

To provide that the Shelby County Commission is authorized to provide an additional expense allowance to certain county officers.

Be It Enacted by the Legislature of Alabama:

Section 1. The Shelby County commission is authorized at its discretion to provide an additional expense allowance in an amount not to exceed \$2,600 per year to any of the following: the judge of inferior court, the circuit clerk, the probate judge, the sheriff, the tax assessor, and the tax collector, and an expense allowance of \$1,200 per year to each member of the Shelby County Commission, except the Chairman; and the Shelby County Commission shall determine when the payment of any such expense allowance shall commence. Said expense allowances shall be in addition to any compensation and allowances heretofore prescribed by law and shall be payable in equal monthly installments from the general fund of the county.

Section 2. At the commencement of a new term of office for each of the county officials designated in Section 1 above, all fixed expense allowances provided by statute and payable to any such officials shall be added to and become part of the salary of any such official and shall not continue to be paid as an expense allowance.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

### STATE OF ALABAMA SHELBY COUNTY

Personally appeared before me, Judge of Probate, in and for said county, Mildred White Wallace, who being duly sworn according to law deposes and says that she is the Associate Editor of the Shelby County Reporter a newspaper published in said county, and that publication of a certain notice, a true copy of which is hereto affixed, has been made in said newspaper 4 weeks consecutively, towit in issues thereof dated as follows: July 17, 24, 31, Aug 7/75.

MILDRED WALLACE,  
Associate Editor.

Subscribed and sworn before me this 8 day of Aug, 1975.

CONRAD M. FOWLER,  
Judge of Probate.

Also:

By Mr. Cross:

H. 1553. Relating to counties having a population of not less than 27,000 nor more than 27,900 inhabitants according to the most recent federal decennial census; to prohibit the use of steel traps for the trapping of foxes and racoons; prescribing a penalty for violation of this Act.

Also:

By Messrs. Edwards and Plaster:

H. 1556. Relating to Lowndes County; to provide an additional expense allowance for the county solicitor.

With notice and proof thereto attached and herewith exhibited as follows:

#### LEGAL NOTICE

#### STATE OF ALABAMA COUNTY OF LOWNDES

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

Relating to Lowndes County; to provide an additional expense allowance for the county solicitor.

Be It Enacted by the Legislature of Alabama:

Section 1. The County solicitor of Lowndes County shall be entitled to an additional expense allowance in the amount of \$300 per month to be paid out of the county general fund. The expense allowance provided for by this act shall be in addition to any and all other salary, compensation and expense allowances provided for by law.

Section 2. The provisions of this act shall become effective on the first day of the month next following the date this act becomes effective.

#### PROOF OF PUBLICATION

#### STATE OF ALABAMA COUNTY OF LOWNDES

Before me, the undersigned authority in and for said County in said State, this day personally appeared Cecil B. Cross, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the The Lowndes Signal, a newspaper of general circulation published in Lowndes County, Alabama, and that the attached notice was published in said newspaper once a week for four successive

weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 26, July 3, July 10, and July 17, all in the year 1975.

CECIL B. CROSS, JR.

Sworn to and subscribed before me August 8, 1975.

R. R. NORMAN JR.,  
Notary Public.

Also:

By Messrs. Clark and Robertson:

H. 1566. To alter, rearrange and establish commissioners' districts in Pickens County.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF PICKENS

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To alter, rearrange and establish commissioners' districts in Pickens County.

Be It Enacted by the Legislature of Alabama:

Section 1. The County of Pickens is hereby divided into four commissioners' districts as follows:

Commissioner District 1 of Pickens County, Alabama, is described as follows:

Begin at the Northwest corner of Section 1, Township 18 South, Range 17 West on the Boundary between Pickens County, Alabama and Lowndes County, Mississippi;

Thence, Southerly along said boundary between Pickens and Lowndes Counties to its intersection with the South line of Section 35, Township 18 South, Range 17 West;

Thence, Easterly along the section lines to the Southeast corner of Section 36, Township 18 South, Range 16 West;

Thence, Southerly along the section lines to the Southwest corner of Section 31, Township 19 South, Range 15 West;

Thence, Easterly along the section lines to the intersection of the South line of Section 32, Township 19 South, Range 15 West with the main channel of Coal Fire Creek;

Thence, Northeasterly along the main channel of Coal Fire Creek, following its meanderings, to its intersection with the center line of the

right-of-way of Pickens County Highway 35 at a point in the Northeast  $\frac{1}{4}$  of said Section 32;

Thence, Southeasterly along the center line of said Highway 35 to its intersection with the center line of the right-of-way of Pickens County Highway 37 at a point in the West  $\frac{1}{2}$  of Section 33, Township 19 South, Range 15 West;

Thence, Northeasterly along the center line of said Highway 37 to its intersection with the center line of the right-of-way of Pickens County Highway 66 (known also as Harris Road) at a point in the North  $\frac{1}{2}$  of said Section 33;

Thence, generally Southeasterly and Easterly along the center line of said Highway 66 to its intersection with the center line of the right-of-way of Pickens County 62 (known also as Herbert Windle Road) at a point near the Southwest corner of Section 35, Township 19 South, Range 15 West;

Thence, generally Southeasterly and Southerly along the center line of said Highway 62 to its intersection with the center line of the right-of-way of Alabama State Highway 17 at a point in Section 13, Township 20 South, Range 15 West;

Thence, Northeasterly along the center line of the right-of-way of Alabama State Highway 17 to its intersection with the main channel of Johnsons Branch at a point near the East line of said Section 13;

Thence, Southeasterly along the main channel of Johnsons Branch to its intersection with the center line of the right-of-way of the St. Louis-San Francisco Railway to its intersection with the center line of the right-of-way of Pickens County 77 (known also as Halls Mill Road) at a point on or near the West line of Section 8, Township 20 South, Range 14 West;

Thence, Southeasterly along the center line of said Highway 77 to its intersection with the main channel of Lubbub Creek at a point in the South  $\frac{1}{2}$  of said Section 8;

Thence, generally Northeasterly and Northerly along the main channel of Lubbub Creek, following its meanderings, to its intersection with the North line of Section 4, Township 20 South, Range 14 West;

Thence, Easterly along the section lines to the Southeast corner of Section 34, Township 19 South, Range 14 West;

Thence, Northerly along the section lines to the Southwest corner of Section 14, Township 18 South, Range 14 West;

Thence, Easterly along the South line of said Section 14 to the Southeast corner of said section;

Thence, Northerly along the section lines to intersect the boundary between Pickens County, Alabama and Lamar County, Alabama at the Northeast corner of Section 2, Township 18 South, Range 14 West.

Thence, Westerly along said boundary between Pickens and Lamar Counties to its intersection with the boundary between Pickens and Lowndes Counties at the Northwest corner of Section 1, Township 18 South, Range 17 West, which is the point of beginning.

Commissioner District 2 of Pickens County, Alabama, is described as follows:

Begin at the Northwest corner of Section 4, Township 22 South, Range 17 West on the boundary between Pickens County, Alabama and Noxubee County, Mississippi;

Thence, Easterly along the section lines to the intersection of the North line of Section 1, Township 22 South, Range 17 West with the main channel of the Tombigbee River;

Thence, in a generally Southerly direction following the meanderings of the main channel of the Tombigbee River to its intersection with the South line of Section 11, Township 22 South, Range 17 West;

Thence, Easterly along the section lines to the intersection of the North line of Section 17, Township 22 South, Range 15 West with the West boundary of the P.C. White & U.B. Sullivan Subdivision (known also as North Highlands), as indicated on a plat dated November 2, 1950 in Deed Book 50, Page 209, Office of the Judge of Probate, Pickens County, said point of intersection being at or near the Northwest corner of the Northeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of said Section 17;

Thence, Northerly along the West boundary of said subdivision to its intersection with the North boundary of said subdivision for a distance of 401.9 feet to the Northern-most point of the North boundary of said subdivision;

Thence, Southeasterly along the North boundary of said subdivision to its intersection with the North line of Section 17, Township 22 South, Range 15 West;

Thence, Easterly along the section lines to the Northeast corner of Section 13, Township 22 South, Range 15, West;

Thence, Northerly along the section lines to the Northwest corner of Section 6, Township 22 South, Range 14 West;

Thence, Easterly along the section lines to intersect the boundary between Pickens County, Alabama and Tuscaloosa County, Alabama at the Northeast corner of Section 1, Township 22 South, Range 13 West;

Thence, Southerly along the boundary between Pickens and Tuscaloosa Counties to its intersection with the boundary between Pickens County, Alabama and Greene County, Alabama at a point on the East line of Section 12, Township 22 South, Range 13 West;

Thence, in a generally Southwesterly and Southerly direction along the boundary between Pickens and Greene Counties to its intersection with the boundary between Pickens County, Alabama and Sumter County, Alabama at a point on the South line of Section 2, Township 23 North, Range 2 West;

Thence, Westerly along the boundary between Pickens and Sumter Counties to its intersection with the boundary of Pickens County, Alabama and Noxubee County, Mississippi at the Southwest corner of Section 6, Township 23 North, Range 3 West;

Thence, Northeasterly along the boundary between Pickens and Noxubee Counties to the Northwest corner of Section 4, Township 22 South, Range 17 West, which is the point of beginning.

Commissioner District 3 of Pickens County, Alabama, is described as follows:

Begin at the Northeast corner of Section 1, Township 18 South, Range 13 West on the boundary between Pickens County, Alabama and Fayette County, Alabama;

Thence, Westerly along said boundary between Pickens and Fayette Counties to its intersection with the boundary between Pickens County, Alabama and Lamar County, Alabama;

Thence, Westerly along said boundary between Pickens and Lamar Counties to the Northwest corner of Section 1, Township 18 South, Range 14 West;

Thence, Southerly along the section lines to the Northeast corner of Section 23, Township 18 South, Range 14 West;

Thence, Westerly along the North line of said Section 23 to the Northwest corner of said section;

Thence, Southerly along the section to the Northeast corner of Section 3, Township 20 South, Range 14 West;

Thence, Westerly along the section lines to the intersection of the North line of Section 4, Township 20 South, Range 14 West with the main channel of Lubbub Creek;

Thence, generally Southerly and Southeasterly along the main channel of Lubbub Creek, following its meanderings, to its intersection with the center line of the right-of-way of Pickens County Highway 77 (known also as Halls Mill Road) at a point in the South  $\frac{1}{2}$  of Section 8, Township 20 South, Range 14 West;

Thence, Northwesterly along the center line of said Highway 77 to its intersection with the center line of the right-of-way of the St. Louis-San Francisco Railway at a point on or near the West line of said Section 8;

Thence, Southwesterly along the center line of the right-of-way of the St. Louis-San Francisco Railway to its intersection with the West line of Section 18, Township 20 South, Range 14 West;

Thence, Southerly along the section lines to the Southwest corner of Section 31, Township 21 South, Range 14 West;

Thence, Easterly along the section lines to intersect the boundary between Pickens County, Alabama and Tuscaloosa County, Alabama at the Southeast corner of Section 36, Township 21 South, Range 13 West;

Thence, Northerly along the boundary between Pickens and Tuscaloosa Counties to its intersection with the boundary between Pickens County, Alabama and Fayette County, Alabama at the Northeast corner of Section 1, Township 18 South, Range 13 West, which is the point of beginning.

Commissioner District 4 of Pickens County, Alabama, is described as follows:

Begin at the Northwest corner of Section 2, Township 19 South, Range 17 West on the boundary between Pickens county, Alabama and Lowndes County, Mississippi;

Thence, Southwesterly along said boundary between Pickens and Lowndes Counties to its intersection with the boundary between Pickens County, Alabama and Noxubee County, Mississippi;

Thence, Southwesterly along said boundary between Pickens and Noxubee Counties to its intersection with the South line of Section 33, Township 21 South, Range 17 West;

Thence, Easterly along the section lines to the intersection of the South line of Section 36, Township 21 South, Range 17 West with the main channel of the Tombigbee River;

Thence, in a generally Southerly direction along the main channel of the Tombigbee River, following its meanderings, to its intersection with the South line of section 11, Township 22 South, Range 17 West;

Thence, Easterly along the section lines to the intersection of the South line of Section 8, Township 22 South, Range 15 West with the West boundary of the P.C. White & U.B. Sullivan Subdivision (known also as "North Highlands"), as indicated on a plat dated November 2, 1950 in Deed Book 50, Page 209, Office of the Judge of Probate, Pickens County, at a point on or near the Northwest corner of the Northeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 17, Township 22 South, Range 15 West;

Thence, Northerly along the West boundary of said subdivision to its intersection with the North boundary of said subdivision;

Thence, Northeasterly along the North boundary of said subdivision for a distance of 401.9 feet to the Northernmost point of the North boundary of said subdivision;

Thence, Southeasterly along the North boundary of said subdivision to its intersection with the South line of Section 8, Township 22 South, Range 15 West;

Thence, Easterly along the section lines to the Southeast corner of Section 12, Township 22 South, Range 15 West;

Thence, Northerly along the section lines to the intersection of the East line of Section 13, Township 20 South, Range 15 West with Johnsons Branch;

Thence, Northwesterly along the main channel of Johnsons Branch to its intersection with the center line of the right-of-way of Alabama State Highway 17;

Thence, Southwesterly along the center line of the right-of-way of said Highway 17 to its intersection with the center line of the right-of-way of Pickens County Highway 62 (known also as Herbert Windle Road) at a point in the South  $\frac{1}{2}$  of said Section 13;

Thence, Northerly and Northwesterly along the center line of said Highway 62 to its intersection with the center line of Pickens County Highway 66 (known also as Harris Road) at a point on or near the Southwest corner of Section 35, Township 19 South, Range 15 West;

Thence, generally Westerly and Northwesterly along the center line of said Highway 66 to its intersection with the center line of the right-of-way of Pickens County Highway 37 at a point in the North  $\frac{1}{2}$  of Section 33, Township 19 South, Range 15 West;

Thence, Southwesterly along the center line of said Highway 37 to its intersection with the center line of the right-of-way of Pickens County Highway 35 at a point in the West  $\frac{1}{2}$  of said Section 33;



Thence, Northwesterly along the center line of said Highway 35 to its intersection with the main channel of Coal Fire Creek at a point in the North  $\frac{1}{2}$  of Section 32, Township 19 South, Range 15 West;

Thence, Southwesterly along the main channel of Coal Fire Creek, following its meanderings, to its intersection with the South line of said Section 32;

Thence, Westerly along the section lines to the Southeast corner of Section 36, Township 19 South, Range 16 West;

Thence, Northerly along the section lines to the Northeast corner of Section 1, Township 19 South, Range 19 West;

Thence, Westerly along the section lines to intersect the boundary between Pickens County, Alabama and Lowndes County, Mississippi at the Northwest corner of Section 2, Township 19 South, Range 17 West, which is the point of beginning.

Section 2. All laws or parts of laws in conflict herewith are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF PICKENS

Before me, the undersigned authority in and for said County in said State, this day personally appeared Daisy J. Junkin, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was Publisher of the Pickens County Herald, a newspaper of general circulation published in Pickens County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on 6-19-75, 6-26-75, 7-3-75, and 7-10-75, all in the year 1975.

DAISY J. JUNKIN.

Sworn to and subscribed before me July 11, 1975.

EUTEAL V. JUNKIN,  
Notary Public.

Also:

By Messrs. Sparks and Drake:

H. 1557. Increasing the compensation of the bailiff of the 32nd judicial circuit to \$20.00 per day, the increase to be paid out of the county treasury.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing

Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B.'s 1555, 1488, 1553, 1556, 1566 and 1557. To the Committee on Local Legislation No. 1.

H. B. 1403. To the Committee on Local Legislation No. 2.

#### FURTHER CONSIDERATION OF S. B. 752

The Senate proceeded to further consideration of the Bill, S. B. 752. The question was on the Torbert amendment to the Stewart and Powell substitute for the Bill.

#### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 326. To create and establish the Alabama Board of Funeral Service; to establish rules and regulations; to provide for the licensing of funeral directors, embalmers and funeral establishments; to provide for the examination for licenses; and to set fees therefor; to establish qualifications of applicants for licenses; to establish procedure for election and terms of members of the Board and to define powers and duties of the Board; to provide penalties; to merge the State Embalming Board into the Alabama Board of Funeral Service and provide that the latter Board shall perform all the functions and duties of the State Embalming Board; and to repeal Title 46, Sections 121 through 128, Code of Alabama 1940, and all other conflicting laws.

Also:

S. 783. To provide that bonds, notes and other securities issued by certain public hospital corporations shall be exempt from laws governing usury or prescribing or limiting interest rates.

E. C. FOSHEE,  
Chairman.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

#### RESOLUTIONS

Mr. Mitchell offered the following Senate Joint Resolution, to-wit:

S. J. R. 98. A JOINT LEGISLATIVE COMMITTEE TO STUDY THE FEASIBILITY OF A STATE-WIDE GROUP COMPRISED OF STATE EMPLOYEES AND EDUCATORS FOR HOSPITAL-MEDICAL INSURANCE.

WHEREAS, the State of Alabama currently appropriates a large sum of money for hospital-medical insurance benefits for state employees and educators, and,

WHEREAS, it may be more economical to form a single group and provide similar or better hospital-medical insurance benefits; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that a Joint Legislative Committee consisting of four House members appointed by the Speaker of the House, one of whom shall be the Chairman of the House Insurance Committee and Vice-Chairman of this Joint Legislative Committee, and four members of the Senate appointed by the President of the Senate, one of whom shall be the Chairman of the Senate Insurance Committee and Chairman of this Joint Legislative Committee, be appointed to study the feasibility of establishing a group consisting of state employees and educators for the purpose of purchasing hospital-medical insurance program(s) for the members of the group.

BE IT FURTHER RESOLVED, that this committee will be paid per diem salary and expenses as in a session of the legislature and may employ such clerical and technical assistants as they deem necessary.

BE IT FURTHER RESOLVED, that this committee shall report by the first legislative day of the 1976 Regular Legislative Session.

On motion of Mr. Mitchell, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Foshee offered the following Senate Joint Resolution, to-wit:

**S. J. R. 99. CREATING A SELECT JOINT INTERIM COMMITTEE TO STUDY FOOD PRICING PRACTICES.**

WHEREAS the farmers in this State are receiving extremely low prices for their farm animals and produce while at the same time the housewife is paying the highest prices in the history of our nation for these products at retail grocery stores; and

WHEREAS everyone in the food distribution chain claims they are not the ones who are making the money; and

WHEREAS there is great need to solve this mystery as to just who is making the extraordinarily high profits indicated in the price differential between that paid by the housewife and that received by the farmer; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint select interim committee to be composed of four members of the House and four members of the Senate to be appointed by the presiding officer of each house. The members of the committee shall elect from among their membership a chairman and a vice chairman. The committee shall study all facets of the food distribution chain in this State from the farmer to the consumer with particular emphasis on the percentage of profit being made at each level in the food distribution chain.

The committee shall have subpoena power and the power to publish for contempt of a committee of the Legislature.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work.

The committee shall report its findings, conclusions and recommendations to the Legislature not later than the tenth legislative day of the 1976 Regular Session. Whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman.

On motion of Mr. Foshee, the Rules were suspended and the Resolution was adopted by the Senate.

#### FURTHER CONSIDERATION OF S. B. 752

The Senate proceeded to further consideration of the Bill, S. B. 752. The question was on the Torbert amendment to the Stewart and Powell substitute for the Bill.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Merrill:

H. 489. To make annual appropriations for the support, maintenance, and development of public education in Alabama for the fiscal year ending September 30, 1976.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 489. To the Committee on Finance and Taxation.

#### FURTHER CONSIDERATION OF S. B. 752

The Senate proceeded to further consideration of the Bill, S. B. 752. The question was on the Torbert amendment to the Stewart and Powell substitute for the Bill.

And said amendment was then adopted by the Senate.

And said substitute, as amended, for the Bill, S. B. 752, was then adopted by the Senate.

Yeas 32; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo,

Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—32

*Nays:*

—0

Mr. Perloff offered the following amendment to the Bill, S. B. 752, as amended by the substitute, to-wit:

#### AMENDMENT TO S. B. 752, AS AMENDED

Amend Senate Bill No. 752, Page 7, Line 23, by striking out paragraph (1) and inserting in lieu thereof the following: (1) twelve million seven hundred thousand dollars (\$12,700,000) shall be allocated to each of the one hundred twenty-seven (127) city and county boards of education on a pro rata basis based on the average daily membership.

On motion of Mr. Fine, said amendment was laid on the table.

Yeas 24; Nays 9.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Little, Littleton, McDonald (S), McMillan, Mims, Mitchell, Pearson, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—24

*Nays:*

Messrs. Jones, King, McDonald (A), Noonan, Owen, Perloff, Powell, Roberts, Stewart.

—9

Mr. Stewart offered the following amendment to the Bill, S. B. 752, as amended, to-wit:

#### AMENDMENT TO S. B. 752, AS AMENDED

Amend the substitute for Senate Bill 752 by striking the words and figures "eighty-three million seven hundred thousand dollars (\$83,700,000)" in subsection (2) of Section 7, and adding in lieu thereof the words and figures "eighty-seven million three hundred thousand dollars (\$87,300,000)".

Which was adopted.

Yeas 31; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—31

*Nays:*

—0

Mr. McMillan offered the following amendment to the Bill, S. B. 752, as amended, to-wit:

**AMENDMENT TO S. B. 752, AS AMENDED**

In Section 8, on page 7, lines 26-33, strike (2) in its entirety and insert in lieu thereof the following:

(2) eighty-three million seven hundred thousand dollars (\$87,300,000) shall be allocated to the State Board of Education for re-allocation to the various local city and county boards of education to meet critical capital outlay needs as determined by the State Board of Education based on a study to be conducted by the Alabama Education Study Commission of critical capital outlay needs in the state's elementary and secondary schools. This study shall be in addition to any similar study previously conducted by the Alabama Education Study Commission and shall be completed within six (6) months of the date of this Bill's becoming law. The State Board of Education shall give primary consideration, and make the first allocation of funds distributed pursuant to this section, to city and county school systems having school facilities construction needs caused by the destruction or partial destruction of such facilities by fire or other casualty loss, or having school construction needs designed to eliminate hazardous or unsanitary conditions. Further, primary consideration shall also be given by the State Board of Education in the distribution of funds pursuant to this section to the existence, non-existence and the amount of local support provided by the various counties and municipalities. In this consideration, the State Board of Education shall consider the local tax base, average family income and general economic conditions with the intent of this act to be the requirement, encouragement and implementation of local support wherever feasible and reasonable.

Which was adopted.

Yeas 31; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—31

*Nays:*

—0

Mr. Waldrop offered the following amendment to the Bill, S. B. 752, as amended, to-wit:

**AMENDMENT TO S. B. 752, AS AMENDED**

Amend S. B. 752, as amended, page 7, Section 7, line 34 by inserting subsection (a) (3), as follows:

(3) The funds provided for herein to be received by the Etowah County school system shall be distributed to the school districts created by Act No. 60, S. 150, 1971 Regular Session (Acts of 1971, p. 322), as

follows: the amount of funds to be received by each district shall be determined by the ratio of the total number of pupils in each district to the total number of pupils in the county system; unless, however, the county school board of education can unanimously agree that the funds or a part thereof shall be spent for a specific capital improvement project for one or more of the county schools.

Which was adopted.

Yeas 24; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Gilmore, Jones, King, Little, Littleton, McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—24

*Nays:*

—0

Mr. Jones offered the following amendment to the Bill, S. B. 752, as amended, to-wit:

#### AMENDMENT TO S. B. 752, AS AMENDED

On page 7, line 34, strike the numbers and figures “twenty million dollars (\$20,000,000)” and insert in lieu thereof the following:

twenty-nine million dollars (\$29,000,000)

On page 7, line 36, strike the numbers and figures “twelve million dollars (\$12,000,000)” and insert in lieu thereof the following:

three million dollars (\$3,000,000)

On motion of Mr. Stewart, said amendment was laid on the table.

Mr. Flippo offered the following amendment to the Bill, S. B. 752, as amended, to-wit:

#### AMENDMENT TO S. B. 752, AS AMENDED

Amend Senate Bill No. 752, as amended, page 3, line 14, by inserting a new sentence at the end of Section 2 as follows:

“Provided, however, that no bonds can be sold or issued to implement Section 8(a) of this Act until Act 1277 of the 1973 Session of the Legislature as amended by any subsequent Act is fully implemented by issuing and selling all bonds and distributing all the proceeds therefrom as provided in said Act 1277 as amended.”

Which was adopted.

Yeas 26; Nays 4.

*Yeas:*

Messrs. Baker, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), Mitchell, Owen, Pearson, Perloff, Powell, Roberts, Shelby, Stewart, Torbert, Vacca, Waldrop.

—26

*Nays:*

Messrs. McMillan, Mims, Noonan, St. John.

—4

Mr. Little offered the following amendment to the Bill, S. B. 752, as amended, to-wit:

**AMENDMENT TO S. B. 752, AS AMENDED**

In Section 8, on page 7, lines 26-33, strike (2) in its entirety and insert in lieu thereof the following:

(2) eighty-seven million three hundred thousand dollars (\$87,300,000) shall be allocated to the State Board of Education for re-allocation, on a matching basis as provided below, to the various local city and county boards of education to meet critical capital outlay needs, as determined by the State Board of Education based upon advice and counsel of the Alabama Education Study Commission in accordance with a study of critical capital outlay needs in the state's elementary and secondary schools. For each eighty cents (80¢) allocated by the State Board of Education to each local city and county board of education, each such city or county board of education shall provide twenty cents (20¢) in order to receive its allocation or any part thereof.

On motion of Mr. Stewart, said amendment was laid on the table.

And said Bill, S. B. 752, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 33; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—33

*Nays:*

—0

**ADJOURNMENT**

At 7:35 P.M., on motion of Mr. McDonald (S), and in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, September 2, 1975, at 2 o'clock P.M.



TWENTY-SIXTH LEGISLATIVE DAY  
TUESDAY, SEPTEMBER 2, 1975

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by the Reverend Charles Simms, Minister, First Baptist Church, Luverne, Alabama.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

—35

JOURNAL

On motion of Mr. Little, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-fifth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

E. C. FOSHEE,  
Chairman.

COMMITTEE REPORT

On motion of Mr. Foshee, the foregoing report was concurred in and the Journal of the Senate for the Twenty-fifth Legislative Day was approved by the Senate.

INTERIM COMMITTEE APPOINTMENTS ANNOUNCED

Under the provisions of H. J. R. 116, the President and Presiding Officer of the Senate appointed as Senate members of the Interim Committee to Study Alabama's "Sunday Closing Laws" Messrs. McDonald (S), Vice Chairman, Roberts and Torbert.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 439. Relating to Marshall County, granting the county board of education the discretionary power to set the salary of the county superintendent of education, and providing also that said superintendent shall receive any increase in salary as may be granted to the teachers of said county.

Said Governor's Message being in words and figures as follows, to-wit:

#### MESSAGE FROM THE GOVERNOR

To the House of Representatives  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a Message from the Governor concerning House Bill Number 439 and containing a suggested Executive Amendment.

Respectfully submitted,  
HENRY B. STEAGALL, II,  
Executive Secretary.

Done this 19th day of August, 1975.

To the House of Representatives  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen of the House:

I am returning to you, the Body in which it originated, House Bill No. 439 without my signature and approval and with the following suggested Executive Amendments.

I suggest that you amend the title by adding thereto at the end of said title the following:

"and giving this act retroactive effect."

I further suggest that you delete Section 1 in its entirety, and substitute in lieu thereof the following:

"Section 1. The board of education of Marshall County is hereby authorized to determine, at its discretion, the rate of salary payable to its county superintendent of education. Any change in the rate of salary shall have retroactive effect beginning July 1, 1975, and thereafter upon the expiration of the term of office of successors to the superintendent of education of Marshall County. The board of education shall not reduce the compensation of the county superintendent during his term of office. Any salary increases shall be payable from the county public school funds in equal monthly installments."

The adoption of the above and foregoing suggested Executive Amendments will remove my objections to this bill.

Respectfully,  
GEORGE C. WALLACE,  
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor to the Bill, H. B. 439, by a vote of a majority of the whole number elected to the House, said votes being:

Yeas 56; Nays 0.

And said Bill, as amended by the Executive Amendment, was again read at length and passed by a vote of a majority of the whole number elected to the house, said vote being:

Yeas 53; Nays 0.

And said Bill, H. 439, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. McDonald (S), the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 439, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca.

—25

*Nays:*

—0

which was a majority of the whole number elected to the Senate.

And said Bill, H. B. 439, as thus amended by the Executive amendment, was again read at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Shelby, Stewart, Torbert, Vacca.

—25

*Nays:*

—0

which was a majority of the whole number elected to the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 769. To create a Board of Trustees to manage, control, and maintain Alabama Agricultural and Mechanical University at Huntsville; to prescribe the powers, duties, authority, and compensation of the board; to provide for the appointment and prescribe the terms of office of members thereof; to divest the State Board of Education of all jurisdiction, power and authority with respect to the supervision, management and control of said university; and to provide for the transfer from said State Board of Education to the Board of Trustees of Alabama Agricultural and Mechanical University all supplies, funds, books, documents, records, and other property or effects of such University.

said Conference Report being in words and figures as follows:

#### REPORT OF CONFERENCE COMMITTEE

To the Members of the Legislature:

We, your conferees, appointed to reconcile the differences between the two houses on the Senate Substitute for House Bill 769, beg leave to report as follows:

We recommend that Section 14 of said bill be amended to read as follows:

"Section 14. (A) The President of Alabama Agricultural and Mechanical University, with the approval of the Board of Trustees, is hereby authorized to appoint and employ suitable persons to act as police officers to keep off intruders and prevent trespass upon and damage to the property and grounds of the University. Such persons shall be charged with all the duties and vested with all the powers of police officers and may eject trespassers from the University buildings and grounds, and may, without warrant, arrest any person guilty of disorderly conduct or of trespass upon the property of the University, or for any public offense committed in their presence, and carry them before the nearest court or any other officer charged with the trial of such offenders, before whom, upon proper affidavit charging the offense, any person so arrested may be tried and convicted as in cases of persons brought before him on his warrant, and may, with a warrant arrest any person found upon or near the premises of the University charged with any public offense and take them before the proper officer.

(B) The police officers provided for in this section shall cooperate with, and when requested, furnish assistance to the regularly constituted authorities of the City of Huntsville and their jurisdiction and authority shall be coextensive with the corporate limits of the municipality."

JOHN M. BAKER

SENATOR BILL G. KING,

SENATOR J. RICHMOND PEARSON,  
(Conferees on part of the Senate)

FRANK RIDDICK

HARTWELL B. LUTZ,

ROBERT E. ALBRIGHT  
(Conferees on part of the House)

And said bill as thus amended by the Report of the Committee on Conference was again read and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Baker, the Senate non-concurred in the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 769, the title of which and said Conference Report are set out in the foregoing Message from the House, and requested that the present Conference Committee be discharged and a new Conference Committee appointed.

Yeas 24; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Ellis, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Waldrop.

—24

*Nays:*

—0

And the President and Presiding Officer of the Senate appointed as Conferees on part of the Senate Messrs. Baker, King and Pearson.

### RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 100. Resolved by the Senate, That the following bills shall be the paramount and continuing order of business, immediately upon adoption of this resolution, taking precedence over all other business, for the 26th legislative day only:

Bill No.	Page No.	Description
H. B. 614	142	Alabama Travel Council
S. B. 1058	147	Increase reward
S. B. 887	53	Surface mining
S. B. 564	141	Education—buildings
S. B. 699	1	Supernumerary Probate Judges
S. B. 992	116	Sod farm
S. B. 382	119	Mental health
H. B. 442	105	Dept. of Cons.
S. B. 106	26	Emergency Care
S. B. 440	7	Voting

S. B. 223	19	PSC
S. B. 430	4	County Claims
S. B. 441	108	Firefighters
S. B. 142	19	Rescue Squads
S. B. 668	95	Credit cards
H. B. 39	72	Dept. of Labor
S. B. 925	56	Water works
S. B. 891	113	Warehouses
S. B. 698	24	Mental Health
S. B. 704	110	District Attorneys
H. B. 234	49	Nursing
S. B. 97	21	Vehicle inspection
S. B. 775	122	Professional Corp. Act
S. B. 49	22	Pay for witnesses
S. B. 496	129	Interest rate
S. B. 495	130	County temporary loans
S. B. 755	111	Engineering
S. B. 525	73	Education
S. B. 845	127	Utilities
H. B. 412	123	Labeling of eggs
S. B. 599	128	Explosives

On motion of Mr. Foshee, said Resolution was adopted by the Senate.

### SPECIAL ORDER

#### BILLS ON THIRD READING

The Senate proceeded to consideration of the special, paramount and continuing order of business for the day, the first of which was the Bill:

H. 614. To make an appropriation from the State General Fund to the Alabama Travel Council for the remainder of the fiscal year ending September 30, 1975.

And said Bill, H. B. 614, was read a third time at length and passed.

Yeas 30; Nays 1.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

Nay: Mr. Fine

—1

### RESOLUTION

Mr. Givhan offered the following Senate Joint Resolution, to-wit:

#### S. J. R. 101. CREATING A JOINT INTERIM COMMITTEE TO STUDY AGRICULTURAL CHEMICAL PRODUCTS.

WHEREAS, The Environmental Protection Agency, The U. S. Department of Agriculture, and other federal and state agencies have severely restricted the use of pesticides, herbicides and other chemical farm products designed to improve crop yield, and

WHEREAS, Alabama's primary crops of soy beans, cotton, and peanuts are most affected by these restrictions; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a joint interim committee known as the Joint Interim Committee to study agricultural chemical products be established, as hereinafter provided, which shall meet with drug manufacturers, representatives of the U. S. Department of Agriculture, and other governmental agencies and committees to study and formulate plans to help farmers acquire safe but effective chemical products which will increase and improve their crop yields.

The committee shall consist of 5 members, 2 from the Senate and 3 from the House of Representatives, the chairman to be named by the Lt. Governor and the vice-chairman named by the Speaker of the House. The committee shall be authorized to meet with any persons or representatives mentioned above for the purpose of conducting their study. The committee members shall be paid their regular per diem and travel allowance expenses, not to exceed \$2,500.00 for the interim period. The committee shall report to the 1976 Legislature by the tenth legislative day of the session and shall furnish each member of the Senate and the House of Representatives a copy of their findings and recommendations.

On motion of Mr. Givhan, the Rules were suspended and the Resolution was adopted by the Senate.

### BILLS ON THIRD READING RESUMED

#### The Bill:

S. 1058. To amend Title 15, Section 44, Code of Alabama, to provide that in cases involving the murder, attempted murder, assassination or attempted assassination of any member of the judiciary, state or other public official, or of any law enforcement officer the governor is authorized to increase the reward for information leading to the arrest of the felon up to \$10,000.00; effective retroactively.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 32; Nays 0.

#### Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A),

McDonald (S), McMillan, Mims, Mitchell, Noonan, Pearson, Perloff, Perry, Powell, St. John, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

—32

*Nays:*

—0

*The Bill:*

S. 887. To establish a system of regulation and control of coal surface mining and reclamation; a declaration of public policy and legislative intent; a section defining key provisions of this act; the creation and establishment of the Alabama Surface Mining Reclamation Commission with powers and authority; establishes necessity of licenses and qualifications for obtaining licenses, and provides for permits with a right to surface mine and proper application therefor; requires a reclamation plan and map; provides for removal of certain facilities; establishes blasting regulations and setback requirements; sets application fees, bond of operator, insurance requirement, sufficiency of surety, cancellation by surety and suspension of operator's permit; provides for posting of lands; provides for entry upon lands for inspection; provides for reporting of certain information by certain purchasers of coal and provides penalties for the failure to comply; provides for confidentiality of certain records; establishes violations, administrative procedures, procedure for appeals from orders of the Commission, provides for legal remedies, enforcement provisions; and penalties; establishes the Alabama Surface Mining Reclamation Fund; provides for citizens' suits; provides for rule making procedures; provides saving and conforming provisions and establishes the effective date and orderly transition to said new act and repeals the Surface Mining Act of 1969 (Act 399 Regular Session) as to regulation of coal surface mining only; provides for approval of certain coal leases; provides for severability; sets effective date of the act.

was taken up.

Mr. Pearson offered the following amendment to the Bill, S. B. 887, to-wit:

#### AMENDMENT TO S. B. 887

Amend Senate Bill 887, Section 18, Page 24 by placing a period behind the word "law" on line 29 and strike beginning with the word "and" on line 29, lines 30, 31, 32, 33, 34, 35, and the first five (5) words on line 36.

Which was adopted.

Yeas 32; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Pearson, Perloff, Perry, Powell, St. John, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

—32

*Nays:*

—0



Mr. Pearson then offered the following amendment to the Bill, S. B. 887, as amended, to-wit:

**AMENDMENT TO SENATE BILL 887, AS AMENDED**

Amend Section 19, Page 25, line 25, by substituting the words and numbers "Two Hundred Fifty Thousand (250,000)" for the words and numbers "Five Hundred Thousand (500,000)".

Which was adopted.

Yeas 28; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Pearson, Perloff, Perry, Powell, St. John, Stewart, Torbert, Waldrop, Weaver, Wilson.

—28

*Nays:*

—0

Mr. Pearson then offered the following amendment to the Bill, S. B. 887, as amended, to-wit:

**AMENDMENT TO S. B. 887, AS AMENDED**

Amend Senate Bill 887, Section 16, Page 22, Line 32 through Page 23, Line 21 by substituting therefor the following:

(2) Any operator may appeal any order of the Commission to the circuit Court having jurisdiction of the County in which the violation allegedly occurred or the County in which the operator's principal place of business is located, provided that such proceeding is filed in said court within thirty (30) days following the date of such order. The commission shall be made a party to the court proceeding, and service shall be made upon the Director, whose domicile for the purpose of service shall be deemed to be the office of the Director in Walker County, Jasper, Alabama. The cause shall be tried de novo in said Circuit Court and shall be a preference case on the docket thereof. The court shall have jurisdiction to determine the reasonableness and lawfulness of the order of the Commission. Upon a finding by the Court that the order is not reasonable or lawful, or not supported by the clear preponderance of the evidence, the cause shall be remanded to the Commission for further proceedings in accordance with the provisions of this Act. The parties shall have all rights of exception and appeal as in other equity cases. On any appeal of an order of the Commission, the operator may upon application to the Circuit Court, supersede any order of the Commission on giving such supersedeas bond in an amount the Court deems proper and necessary to avoid the likelihood of material damage. Such a bond shall be made payable to the State of Alabama. If a supersedeas bond has been given on appeal to the Circuit Court as hereinabove provided for, such bond shall continue in force and effect during an appeal to the Supreme Court of Alabama and until final adjudication of the cause, and all the conditions of such bond shall be complied with and no other supersedeas bond need be given by the operator unless the court hearing the cause shall determine that the amount of such supersedeas bond is either excessive or inadequate, in which case, the court may order such bond reduced or increased as the court may decide.

Which was adopted.

Yeas 29; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Pearson, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

—29

*Nays:*

—0

Mr. Fine offered the following amendment to the Bill, S. B. 887, as amended, to-wit:

#### AMENDMENT TO SENATE BILL 887, AS AMENDED

A. Amend Section 3, page 5, line 17 through 19 by substituting the following:

“Public buildings or public lands” means buildings or lands owned by the public and dedicated to a public use, excepting any public lands or water covered lands subject to the jurisdiction of the Alabama Water Improvement Commission or the Environmental Protection Agency.”

#### AMENDMENT TO SENATE BILL 887

B. Amend Section 9 (1) page 14, line 35 by substituting the words “public lands” for the words “public areas”,

#### AMENDMENT TO SENATE BILL 887

C. Amend Section 20 (1) (b) page 25, line 36 by substituting the words; “public lands” for the words “public areas”;

Which was adopted.

Yeas 23; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Givhan, Jones, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Perloff, Powell, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—23

*Nays:*

—0

Mr. McMillan offered the following amendment to the Bill, S. B. 887, as amended, to-wit:

#### AMENDMENT TO SENATE BILL 887, AS AMENDED

Amend Senate Bill 887 as follows:

Amend Section 4, at the end of subsection 2 A (a), by adding the following after the sentence ending on line 7.

"No person shall be eligible for one of these appointments if he is an agent, stockholder, officer or employee of a coal company, or if he, his spouse or dependent children, has any monetary interest in the operation of a surface mining company or coal company."

Which was adopted.

Yeas 29; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Pearson, Perloff, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

—29

*Nays:*

—0

Mr. McMillan then offered the following amendment to the Bill, S. B. 887, as amended, to-wit:

#### AMENDMENT TO S. 887, AS AMENDED

Add in Section 4 A (b), after the sentence ending on line 10 the following:

The person capable and experienced in the technology of earth grading, removal and movement, during the period of his service on the commission, may not be an agent, officer, stockholder, employee or an independent contractor of a coal company or surface mining company, nor may he, his spouse or dependent children have any monetary interest in the operation of a surface mining company or a coal company.

Which was adopted.

Yeas 28; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Givhan, King, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—28

*Nays:*

—0

Mr. McMillan then offered the following amendment to the Bill, S. B. 887, as amended, to-wit:

#### AMENDMENT TO S. B. 887, AS AMENDED

Amend Section 4, Subsection 2 (A), page 6 by inserting the following subsection (c) at lines 21 through 22:

(c) Within ten (10) days of nomination by the Governor, each nominee shall file with the secretary of the Senate a verified statement setting forth the following information: the names of all coal companies from whom such nominee has received any income of any sort during the

ten (10) years immediately preceding such nomination; the name or names of all coal companys in which the nominee is or in the ten (10) years immediately preceding such nomination has been an officer, director, stockholder or partner; the names of all organizations, clubs and associations of which the nominee is or in the ten (10) years immediately preceding such nomination has been a member. No Commission member may participate in any proceeding conducted pursuant to Section 16 of this Act in which the defendant is a company of which the Commission member is an employee, officer, director, shareholder or partner, or where any organizations, club or association of which the Commission member is a member, officer, agent, director or employee instigated the proceeding or has any other direct interests in the outcome of the proceeding.

Which was adopted.

Yeas 27; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Givhan, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

—27

*Nays:*

—0

Mr. McMillan then offered the following amendment to the Bill, S. B. 887, as amended, to-wit:

#### AMENDMENT TO SENATE BILL 887, AS AMENDED

Senate Bill 887 is hereby amended by inserting the following in substitution for subsection (3) or Section 9, beginning on line 16 of page 17:

(3) The objective in revegetation is to stabilize the areas as quickly as possible, compatible with its long range utilization; the outer slope shall be revegetated with grasses and legumes as soon as possible to provide quick growth cover and reduce erosion; the applicant shall perform such other planting and revegetation as may herein be required during the first planting season after contouring is complete.

Which was adopted.

Yeas 29; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Givhan, Jones, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—29

*Nays:*

—0

Mr. McMillan then offered the following amendment to the Bill, S. B. 887, as amended, to-wit:

## AMENDMENT TO SENATE BILL 887, AS AMENDED

Amend Senate Bill 887 as follows:

Amend Section 4, subsection B, by deleting the sentence beginning on page 6, line 26 and ending on line 28, and inserting in lieu thereof:

"The Commission shall elect from among its members, a Chairman, who shall serve for a two year term."

Which was adopted.

Yeas 26; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Givhan, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perloff, Powell, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

—26

*Nays:*

—0

Mr. McMillan then offered the following amendment to the Bill, S. B. 887, as amended, to-wit:

## AMENDMENT TO S. B. 887, AS AMENDED

Amend S. B. 887 as follows: Amend Section 4, Subsection (5) by adding after the word "inspection" on page 7, line 28 the following:

"The Commission shall meet at least once every thirty (30) days."

Which was adopted.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—30

*Nays:*

—0

Mr. McMillan then offered the following amendment to the Bill, S. B. 887, as amended, to-wit:

## AMENDMENT TO S. B. 887, AS AMENDED

Amend S. B. 887 by deleting the words "be deemed issued" on page 13 line 19 and substituting in lieu therefor the words "issue automatically from the Commission".

By deleting the words "be deemed issued" on page 14 line 22 and substituting in lieu therefor the words "issue automatically from the Commission".

By deleting the word "deemed" on page 21 line 15 and substituting therefor the word "automatically".

Which was adopted.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—30

*Nays:*

—0

Mr. McMillan then offered the following amendment to the Bill, S. B. 887, as amended, to-wit:

#### AMENDMENT TO S. B. 887, AS AMENDED

Amend Senate Bill 887 as follows:

Amend Section 16 by adding after subsection (3) a subsection (4) to read as follows:

“(4) Nothing in this act shall prevent the Attorney General from prosecuting violation thereof.”

Which was adopted.

Yeas 31; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—31

*Nays:*

—0

Mr. McMillan then offered the following amendment to the Bill, S. B. 887, as amended, to-wit:

#### AMENDMENT TO S. B. 887, AS AMENDED

Amend Section 21, page 26, line 4 through line 10 by substituting the following for the first sentence thereof:

“Any person engaged in the business of coal brokering or operating a coal sales agency in the State of Alabama and each and every person, corporation, or other legal entity operating an electric system for the sale of electric energy for resale, sale to the public or sale to its members and each and every industrial purchaser of coal in the State of Alabama shall, on a form to be furnished by the Commission at intervals of not less than sixty (60) days, the name, address, license number and permit number of the vendee of all coal purchased by it since its last reporting period.”

Which was adopted.

Yeas 24; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Givhan, Jones, King, Littleton, McDonald (S), McMillan, Mims, Noonan, Pearson, Perloff, Powell, St. John, Torbert, Vacca, Weaver, Wilson.

—24

*Nays:*

—0

Mr. McMillan then offered the following amendment to the Bill, S. B. 887, as amended, to-wit:

#### AMENDMENT TO S. B. 887, AS AMENDED

Amend Senate Bill 887 as follows:

Amend Section 4, subsection 6, by deleting the words "Walker County, Jasper, Alabama," on line 30 and inserting in lieu thereof the following.

"Jefferson County, Birmingham, Alabama."

On motion of Mr. Wilson, said amendment was laid on the table.

Mr. Wilson offered the following amendment to the Bill, S. B. 887, as amended, to-wit:

#### AMENDMENT TO S. B. 887, AS AMENDED

Senate Bill 887 is hereby amended by inserting the following in substitution for Section 26, beginning on line 32 of page 29:

"This Act is cumulative and is intended to preempt local, county, and municipal regulation of coal surface mining and to supplement existing law and no part hereof shall be construed to repeal, or supersede an existing law specifically enacted for the control, abatement or prevention of water or air pollution. The Alabama Surface Mining Act of 1969 (Act No. 399, Regular Session 1969) is not repealed as to the regulation of the surface mining of clay, sand, gravel, ores, limestone, marble, dolomite, and other minerals. The provision of the Alabama Surface Mining Act (Act No. 399, Regular Session 1969) shall only remain in full force and effect as to the regulation of the surface mining of coal until the authority of the Department of Industrial Relations to act as interim administrator ceases when the Alabama Surface Mining Reclamation Commission assumes full power and authority under this Act as provided in Section 23 hereof; and provided further that no power or authority shall be exercised by the Department of Industrial Relations under this Act except those specifically conferred by Section 23 hereof.

Which was adopted.

Yeas 16; Nays 2.

*Yeas:*

Messrs. Adams, Fine, Gilmore, Givhan, Jones, Littleton, Mitchell, Noonan, Owen, St. John, Shelby, Stewart, Torbert, Vacca, Weaver, Wilson.

*Nays:* Messrs. Baker, King.

—2

Mr. Wilson then offered the following amendment to the Bill, S. B. 887, as amended, to-wit:

AMENDMENT TO S. B. 887, AS AMENDED

Amend Section 9, subsection 2, page 17, lines 10 through 15 to read as follows:

(2) Regrading shall begin within six (6) months after the beginning of operations, unless such regrading is prevented by act of God such as unseasonable weather or labor disputes or unless otherwise extended by the Director for reasonable cause, provided however that in those operations where the mining method utilized would result in the placing of overburden on regraded areas, such regrading shall be commenced as soon as practicable compatible with such mining method, provided further that, the applicant shall complete the contouring of all affected land within six (6) months from the date of the completion of operations, unless such regrading is prevented by act of God such as unseasonable weather or labor disputes or unless otherwise extended by the Director for reasonable cause.

Which was adopted.

Yeas 29; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, King, Little, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perloff, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

—29

*Nays:*

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Mr. Wilson then offered the following amendment to the Bill, S. B. 887, as amended, to-wit:

AMENDMENT TO S. B. 887, AS AMENDED

Amend Section 16 (1), Page 22, lines 10 through 31, by substituting therefor the following:

Section 16. Violations, Administrative Procedures, and Appeals from Orders of the Commission.

(1) Whenever a verified complaint is filed with the Commission, alleging that any operator is in violation of this Act, or rules and regulations of the Commission, the Commission may cause to have issued and served upon the person alleged to be committing such violation a written notice which shall specify the provision of this Act and/or the rules and regulations of the Commission which such operator allegedly is violating, and a statement of the manner in, and the extent to which said operator is alleged to violate this Act and/or the rules and regulations of the Commission, and shall require the person so complained against to answer the charges of such formal complaint at a hearing before the Commission at a time not less than ten (10) days or more than thirty (30) days after the service of notice. At the request of the Commission or of the



charged operator, the Director shall issue subpoenas requiring the attendance of witnesses and the production of such evidence as may be relevant to such hearing. The charged operator may appear in person or by counsel at such hearing. Testimony shall be taken under oath and recorded stenographically at such hearing and the charged operator shall have the right to cross-examine witnesses at such hearing. A copy of the record of such hearing shall be furnished to the charged operator upon payment of the cost of such copy. The Commission shall enter such order as it deems appropriate on the basis of the facts presented, which order may include a civil penalty of not more than \$10,000 based on the severity of the offense or offenses found in such order. The Commission shall forthwith mail a copy thereof to the charged operator or its attorney of record. If such order of the Commission is not complied with, the Commission may commence proceedings under Section 17 of this Act. The filing of a verified complaint alleging a violation of this Act, or rules or regulations of the Commission, shall be deemed to include all identical occurrences of the offense alleged and no further complaint relating to such offense may be filed pending the final resolution of such complaint pursuant to this section. Complaints alleging a violation of the Act, rules or regulations of the Commission must, as a jurisdictional matter, be filed with the Commission within ninety (90) days of the event or events giving rise to such complaint.

Which was adopted.

Yeas 26; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perloff, Powell, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

—26

*Nays:*

—0

Mr. King offered the following amendment to the Bill, S. B. 887, as amended, to-wit:

#### AMENDMENT TO SENATE BILL 887, AS AMENDED

Senate Bill 887 is hereby amended by inserting the following in substitution for subsection 4 of Section 4, beginning on line 19 of page 7:

(4) The members of said Commission shall receive as compensation \$75 per day for each day of official business as approved and validated by the Chairman. The Chairman shall receive \$100 per day for each full day he is occupied with business of the Commission. The Chairman is hereby authorized to approve actual expenses for necessary out-of-state travel and all other reasonable and related costs incurred for the purpose of carrying out the intent and purpose of this Act.

Which was adopted.

Yeas 25; Nays 1.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Flippo, Foshee, Gilmore, Givhan, Jones, King, Littleton, McDonald (A), McDonald (S), McMillan, Mims,

Noonan, Owen, Perloff, Powell, St. John, Shelby, Stewart, Waldrop, Weaver, Wilson.

—25

Nay: Mr. Fine.

—1

Mr. King then offered the following amendment to the Bill, S. B. 887, as amended, to-wit:

#### AMENDMENT TO S. B. 887, AS AMENDED

Senate Bill 887 is hereby amended by adding subsection 23 to Section 5, beginning on line 18 of page 10:

(23) The Commission shall designate areas as unsuitable for all or certain types of surface coal mining operations if the Commission determines that reclamation pursuant to the requirements of this Act is not feasible or if the Commission determines that such mining would affect fragile or historic lands in which operations could result in significant damage to historical, cultural, scientific, and recreational values.

(A) Subject to valid existing rights no surface coal mining operation except those which exist on the date of enactment of this Act shall be permitted in the following areas; specifically, the Commission shall designate as unsuitable for surface mining any lands within the boundaries of units of the State or National Park systems, the national system of trails, the national wilderness preservation system, the national wildlife refuge systems, the wild and scenic rivers system, including study rivers designated under Section 5(a) of the Federal Wild and Scenic Rivers Act, national recreation areas designated by Act of Congress and any private lands within the boundaries of any national forest except surface operations and impacts incident to an underground mine.

(B) The requirements of this subsection shall not apply to lands on which surface coal mining operations are being conducted on the date of the enactment of this Act or under a permit issued pursuant to this Act, or where substantial legal and financial commitments in such operations were in existence prior to September 1, 1974.

On motion of Mr. Wilson, said amendment was laid on the table.

And said Bill, S. B. 887, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 2.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Flippo, Foshee, Gilmore, Givhan, Jones, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Pearson, Powell, St. John, Stewart, Torbert, Vacca, Weaver, Wilson.

—27

Nays: Messrs. Fine, King.

—2

COMMUNICATION FROM THE SUPREME COURT  
THE STATE OF ALABAMA—JUDICIAL DEPARTMENT  
THE SUPREME COURT OF ALABAMA  
SPECIAL TERM, 1975

The Senate  
State Capitol  
Montgomery, Alabama

Dear Sirs:

We are in receipt of Senate Resolution 89 which reads, in part, as follows:

"BE IT RESOLVED BY THE SENATE OF ALABAMA, That we respectfully request the honorable Chief Justice and Associate Justices of the Supreme Court, or a majority of them, to give this body their written opinions on the following important constitutional question which has arisen concerning the pending bill, H. B. 212.

"If enacted, would this bill meet the constitutional test as set out by the U. S. Supreme Court in the case of *Furman vs. Georgia*, 403 U. S. 952."

Tit. 13, § 34, Code of Alabama 1940, Recompiled 1958, has been considered as privileging but not requiring the justices to give advisory opinions. Opinion of the Justices, 266 Ala. 370, 96 So. 2d 752 (1957). We respectfully decline to render the requested advisory opinion for the reasons set forth below.

The U. S. Supreme Court has granted certiorari (October 29, 1974, 43 USLW 3255) and carried over for reargument the case of *Fowler v. North Carolina*, 203 N. E. 2d 803 (1974). The question presented in that case is whether North Carolina's imposition and carrying out of the death sentence for first degree murder constitutes cruel and unusual punishment in violation of the Eighth and Fourteenth Amendments. Thus, the question propounded to us by the Senate is now pending for decision before the highest court in the land whose edicts are final and binding upon all.

The case of *Johnny Harris v. State*, Court of Criminal Appeals, 1 div. 623, Baldwin Circuit Court No. 6699, concerning the constitutionality of Tit. 14, § 319, Code, *supra*, is now on appeal to the Alabama Court of Criminal Appeals. Tit. 14, § 319, provides that "[a]ny convict sentenced to imprisonment for life, who commits murder in the first degree, while such sentence remains in force against him, shall, on conviction, suffer death."

This court has refused to render advisory opinions in the past where it has appeared that the court would ultimately be called upon to decide the constitutionality of a materially identical act in an adversary proceeding. Opinion of the Justices, *supra*. Although Tit. 14, § 319, and the statute proposed by H. B. 212 are not identical, they both provide for a death penalty, and they are overlapping in their scope.

While the statutes being challenged in *Fowler v. North Carolina*, *supra*, and *Johnny Harris v. State*, *supra*, both differ in some respects from the one proposed by H. B. 212, the ultimate issue is the same—the constitutionality of the death penalty.

Moreover, we are of the opinion that a question of this importance; viz, life or death; should not be approached in the abstract. Indeed a

question of this magnitude should be resolved in the context of an adversary setting, with an actual fact situation before us, fully briefed and argued to the court.

We therefore think it appropriate that we respectfully decline to render the requested opinion.

Respectfully submitted,  
HOWELL T. HEFLIN,  
Chief Justice.  
PELHAM J. MERRILL,  
JAMES N. BLOODWORTH,  
HUGH MADDOX,  
JAMES H. FAULKNER,  
RICHARD L. JONES,  
RENEAU P. ALMON,  
JANIE L. SHORES,  
ERIC EMBRY,  
Associate Justices.

I, J. O. Sentell, Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appears of record in said Court.

Witness my hand this 2 day of Sept. 1975.

J. O. SENTELL,  
Clerk, Supreme Court of Alabama.

#### COMMUNICATION FROM SUPREME COURT

The foregoing Communication from the Supreme Court of Alabama was read and ordered spread upon the Journal.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 614. To make an appropriation from the State General Fund to the Alabama Travel Council for the remainder of the fiscal year ending September 30, 1975.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been

publicly read at length by the Secretary of the Senate, signed the foregoing bills, the title of which is set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Turnham, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCorquodale, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt:

#### H. J. R. 275. HONORING DOCTOR HARRY M. PHILPOTT

WHEREAS, Dr. Harry M. Philpott has devoted ten years of distinguished service to this State as President of Auburn University and is one of its most respected citizens, and

WHEREAS, his wisdom and leadership in education throughout Alabama, the region and the nation have served to inspire those with whom he has been associated to higher goals at all levels of education, and

WHEREAS, his genuine interest in and support of the needs of all economic sectors of this area in providing outstanding programs of instruction, research and extension have been of lasting benefit to the growth and development of Alabama and nearby states, and

WHEREAS, his vision and wise counsel with government leaders, alumni, industry and others has resulted in increased appropriations to Auburn University, a \$44 million building program, an increase in endowment from \$4 million to more than \$20 million and the development of a vigorously growing branch of Auburn University at Montgomery, and

WHEREAS, he has diligently sought to effect closer cooperation between institutions of higher learning as chairman of the Alabama Study Commission on Education in 1967-69 and as chairman of the Southern Regional Education Board's Commission on Regional Cooperation in 1972, and

WHEREAS, he has provided further leadership to higher education as president of the Southern Association of State Universities and Land Grant Colleges in 1968-69, as chairman of the Council of University Presidents in 1972 and as vice chairman of the Southern Regional Education Board in 1973, and

WHEREAS, his accomplishments have resulted in his being honored by Washington and Lee University, Stetson University, the University of Florida, the University of Alabama, Kappa Phi Kappa, the Alabama Broadcasters Association, the Alabama District Exchange Club and the Alabama Academy of Honor.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That we congratulate Dr. Harry M. Philpott upon the completion of these ten years of outstanding service to Auburn University and higher education and to the State of Alabama and, further, that we express our appreciation to Dr. Harry M. Philpott for his many contributions and wish for him good health and continued success.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 275, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows

By Mr. Gilmore:

S. 1101. Relating to medical clinic boards organized, under Act No. 516 (1955 Regular Session), as amended, in municipalities having a population of in excess of 100,000 according to the last or any subsequent decennial census; providing that all such medical clinic boards shall (on both a retrospective and prospective basis) have, in addition to all other powers, the power to issue bonds maturing not later than forty years from their date, the power to fund or provide a debt service reserve fund (in whole or in part) out of the proceeds derived from the sale of bonds and the power to make leases in such cases without requiring that the lease provide for payment of rentals sufficient to fund any such debt service reserve fund; and providing that this act shall apply not only to bonds issued and leases made by such medical clinic boards after the effective date of this act but also, with certain specified exceptions, to bonds issued and leases made by such medical clinic boards prior to the effective date of this act.

Committee on Finance and Taxation.

By Mr. Gilmore:

S. 1102. Relating to medical clinic boards organized under Act No. 516 (1955 Regular Session), as amended; providing that in cases where any debt service reserve fund established by a medical clinic board is to be entirely funded out of bond proceeds, it will not be necessary for the rental under any related lease to include amounts sufficient to build up such debt service reserve and, in such cases, dispenses with the necessity of any findings by the Board of Directors of any such medical clinic board with respect thereto; providing that medical clinic board bonds may mature at such time or times not exceeding forty years from their date; providing that refunding bonds issued by such a medical clinic board need not be payable solely out of the same revenues out of which the refunded

bonds were payable; and specifying that all the aforesaid provisions shall apply both prospectively and retrospectively except in certain specified cases.

Committee on Finance and Taxation.

By Messrs. Ellis, Vacca and Pearson:

S. 1103. To Amend Section 19 of Act No. 248 of the Regular Session of the Legislature of 1945 (General Acts of Alabama 1945, P. 376 et seq.), to provide for the rate at which Merit System Employees shall earn annual vacation and to provide for the rate at which Merit System Employees shall earn sick leave and to also provide for the payment of earned sick leave at retirement or termination.

Committee on Finance and Taxation.

By Messrs. Littleton, Stewart and Weaver:

S. 1104. To further provide for the education and training of deaf, blind and certain other persons and to further define the authority of the board of trustees of the Alabama institute for deaf and blind.

Committee on Health and Welfare.

By Mr. Noonan:

S. 1105. To amend further Section 2 of Act No. 217, S. 23, of the 1967 Special Session of the Legislature of Alabama (Acts 1967, p. 259), as amended, which relates to competitive bidding; so as to exempt from the provisions of said act Local Housing Authorities organized and existing under Title 25 of the Code of Alabama 1940, as amended, who have contracts with the Federal Government for financial assistance, which contracts provide for the procurement of supplies and services and the disposition of surplus property.

Committee on Finance and Taxation.

By Messrs. Noonan and Mims:

S. 1106. To Amend Code of Alabama 1940, Title 2, Section 606, as amended, so as to allow the sale of milk in three quart containers.

Committee on Agriculture.

By Messrs. Noonan, Mims and Bank:

S. 1107. To amend Act No. 96, H. 17, Special Session 1971 (Acts 1971, p. 166), which act levys a license tax for the leasing of certain tangible personal property, so as to provide exemptions for amounts paid by radio and television broadcasters for the right to broadcast copyrighted material, and for certain other audio or visual properties provided by licensors to such broadcasters.

Committee on Finance and Taxation.

By Mr. Perry:

S. 1108. To provide an educational incentive allowance for state troopers who have completed educational requirements at junior colleges, colleges, or universities.

Committee on Finance and Taxation.

By Mr. Adams:

S. 1109. To amend Act No. 360, S. B. 537 and Act No. 509, H. B. 699, Regular Session of the Legislature of Alabama, 1969, (Alabama Acts, 1969, p. 1150 and p. 971) and Section 3 and Section 11 (c) thereof, in particular, which acts create and establish the Houston County Court of Houston County, Alabama in order to repeal and abolish the jurisdiction, power and authority of the court to hear and decide cases and matters relating to divorce, domestic relations, separate maintenance, custody of children, desertion and non-support, juveniles and those actions and matters relating to juveniles and also to establish the qualifications of such judge of said court so as to abolish the requirement that the judge of the court must have been licensed to practice law in Alabama for five years and to provide for the transfer of such cases herein above enumerated, which are pending in the court upon the effective date of the passage of this bill, to the Circuit Court of Houston County, Alabama.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

Synopsis: This bill amends the Act creating and establishing the Houston County Court of Houston County, Alabama in order to repeal and abolish the jurisdiction, power and authority of the court to hear and decide cases and matters relating to divorce, domestic relations, separate maintenance, custody of children, desertion and non-support, juveniles and those actions and matters relating to juveniles and also to establish the qualifications of such judge of said court so as to abolish the requirement that the judge of the court must have been licensed to practice law in Alabama for five years and to provide for the transfer of all such cases herein above enumerated pending in the court to the Circuit Court of Houston County, Alabama.

A BILL  
TO BE ENTITLED  
AN ACT

To amend Act No. 360, S. B. 537 and Act No. 509, H. B. 699, Regular Session of the Legislature of Alabama, 1969, (Alabama Acts, 1969, p. 1150 and p. 971) and Section 3 and Section 11 (c) thereof, in particular, which acts create and establish the Houston County Court of Houston County, Alabama in order to repeal and abolish the jurisdiction, power and authority of the court to hear and decide cases and matters relating to divorce, domestic relations, separate maintenance, custody of children, desertion and non-support, juveniles and those actions and matters relating to juveniles and also to establish the qualifications of such judge of said court so as to abolish the requirement that the judge of the court must have been licensed to practice law in Alabama for five years and to provide for the transfer of such cases herein above enumerated, which are pending in the court upon the effective date of the passage of this bill, to the Circuit Court of Houston County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 630, S. B. 537 and Act No. 509, H. B. 699, Regular Session of the Legislature of Alabama, 1969, (Alabama Acts, 1969, p. 1150 and p. 971) is hereby amended to read as follows:



"Section 3 (a) Except as provided in subsection (b) of this subsection, the Houston County Court shall have and exercise jurisdiction in all actions, causes, matters, proceedings, and cases, including actions of unlawful detainer and actions for the recovery of possession of land. It shall have authority to punish contempts by fine not exceeding fifty dollars (\$50.00) and imprisonment not exceeding five days. It may adopt and enforce rules and regulations relative to pleadings, procedure and practice, provided such rules and regulations are not contrary to the Constitution and statutes of the State and law-made rules governing the practice and procedure of courts of record.

(b) The Court shall not have felonies. It shall not have jurisdiction of any civil action when the matter or sum in controversy exceeds two thousand dollars (\$2,000.00) nor take cognizance of any matter, suit or proceeding that is equitable in nature and specifically that pertains or relates to divorce or separate maintenance, domestic relations or the custody of children, juveniles and cases and actions involving juveniles arising under the provisions of Article 3, Chapter 4, Title 34, Code of Alabama (1940) and Chapter 7, Title 13, Code of Alabama (1940) and paternity suits; and all such cases and actions that are pending in the Houston County Court of Houston County, Alabama shall on the effective date of the passage of this amendment be transferred to the Circuit Court of Houston County, Alabama and shall proceed as though begun therein."

Section 2. All provisions and references concerning equitable and juvenile cases, proceedings or matters in Act No. 630, S. B. 537 and Act No. 509, H. B. 699, Regular Session of the Legislature of Alabama, 1969, (Alabama Acts, 1969, p. 1150 and p. 971) are hereby abolished and repealed.

Section 3. Section 11(c) of Act No. 630, S. B. 537 and Act No. 509 H. B. 699, Regular Session of the Legislature of Alabama, 1969, (Alabama Acts, 1969, p. 1150 and p. 971) is hereby amended to read as follows:

"Section 11 (c) The judge shall, before entering upon the discharge of the duties of office, take the oath prescribed by Section 279 of the Constitution. He may be removed from office for any cause enumerated in Section 173 of the Constitution and in the matter provided by law. No person shall be eligible for office of judge unless he is, at the time of his appointment or election, a qualified elector of Houston County, learned in the law, and has been licensed to practice law in this State. The Judge shall not practice law in any of the courts of this State or of the United States, and he shall be subject to the same penalties and obligations as circuit judges. Any vacancy occurring in the office of judge shall be filled by appointment as provided in Section 158 of the Constitution."

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA  
HOUSTON COUNTY

Before me, the undersigned authority in and for said County in said State, this day, personally appeared D. H. Dolson, who is known to me and

who, being by me first duly sworn, deposes and says: That he is Advertising Manager of The Dothan Eagle, a newspaper published at Dothan, in Houston County, Alabama, and that a copy of the attached advertisement appeared once a week for 4 successive weeks, on the following dates: July 16, 23, 30, Aug. 6, 1975 in the Dothan Eagle, which said Dothan Eagle has a general circulation in the County in which it is published and has been mailed under the second class mailing privileges of the United States Post Office Department from the post office where it is published for more than fifty-two (52) consecutive weeks prior to this publication.

D. H. DOLSON.

Sworn to and subscribed before me on this 12 day of August 1975.

SARAH C. BOYDE,  
Notary Public.

My Commission Expires 2-8-78.

By Messrs. Edwards, McDonald (A), King and Baker:

S. 1110. To authorize the dissolution of District Number One Tuberculosis Sanatorium Authority, a public corporation organized under the provisions of Act Number 914 enacted at the 1961 Regular Session of the Legislature of Alabama; to provide for the distribution of the funds of the authority to the several counties making original contributions to the Trustees of said District Number One Sanatorium in the amounts contributed; and to provide for the withholding by the Authority of an estimated amount sufficient to meet any potential unemployment and contingent claims, and for the distribution of all other funds to the several counties, making subsequent contributions to the operation of the sanatorium, in the ratios that the contribution of each bore to the total contributions of all, and then final distribution of any remaining funds not needed to pay unemployment and contingent claims, within two years after the passage of this act in the same percentages.

Committee on Health and Welfare.

With notice and proof thereto attached and herewith exhibited as follows:

#### NOTICE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

To authorize the dissolution of District Number One Tuberculosis Sanatorium Authority, a public corporation organized under the provisions of Act Number 914 enacted at the 1961 Regular Session of the Legislature of Alabama; to provide for the distribution of the funds of the authority to the several counties making original contributions to the Trustees of said District Number One Sanatorium in the amounts contributed; and to provide for the withholding by the Authority of an estimated amounts sufficient to meet any potential unemployment and

contingent claims, and for the distribution of all other funds to the several counties, making subsequent contributions to the operation of the sanatorium, in the ratios that the contribution of each bore to the total contributions of all, and then final distribution of any remaining funds not needed to pay unemployment and contingent claims, within two years after the passage of this act in the same percentages.

Be It Enacted by the Legislature of Alabama as follows:

Section 1. Legislative Findings and Intent. The Legislature hereby finds and declares that by reason of the decrease in the number of tuberculosis patients it became no longer feasible or necessary to operate District No. One Sanatorium and it was closed and all its real and personal property sold and that District No. One Sanatorium Authority, a public corporation, has on hand funds for disposition.

Section 2. The Authority shall distribute to the counties, making original contributions to the Trustees of District No. One Sanatorium the amounts originally contributed by each to-wit: Colbert County, \$15,000.00; Cullman County, \$14,000.00; Franklin County, \$11,000.00; Jackson County, \$12,000.00; Lauderdale County, \$18,000.00; Lawrence County, \$8,000.00; Limestone County, \$11,000.00; Madison County, \$25,000.00; Marion County, \$12,000.00; Marshall County, \$12,000.00; Morgan County, \$25,000.00; and Winston County, \$6,500.00.

Section 3. The Authority shall withhold an amount estimated to be sufficient to meet any employee unemployment claims or other contingent claims and pay such just claims that arise within two years after the passage of this Act and then make distribution of any balance so withheld as provided in Section 4.

Section 4. All funds, other than those provided for in Section 2 and 3 shall be distributed to the several counties making contributions to the operation of the sanatorium in the ratios that the contributions of each bore to the total contributions of all in the following percentages, to-wit:

Colbert County, .09582333; Cullman County, .09614195; Franklin County, .06488925; Jackson County, .00643367; Lauderdale County, .14851940; Lawrence County, .01402530; Limestone County, .08164108; Madison County, .20925046; Marion County, .;4558915; Marshall County, .01071788; Morgan County, .15936052; and Winston County, .06761795;

Section 5. Upon final distributions of all funds, the Chairman of the Board of Trustees of the Authority shall file a written statement in the Office of the Probate Judge of Morgan County showing compliance with this act and the Authority will thereby be dissolved.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COLBERT COUNTY

Before me, Jeannie Griffith a Notary Public in and for said State and County aforesaid, personally appeared Jim Crawford, Jr., Publisher of Colbert County Reporter and after being duly sworn by me, deposes and says that the attached Legal Notice was Published in the Colbert County Reporter for 4 successive weeks, as follows June 18, 25, July 2, 9, 1975; That Colbert County Reporter is a weekly newspaper of general circulation in Colbert County, Alabama. That it is entered in the Post Office at

Tuscumbia, Alabama, 35660, as second-class mailing matter. That it has been published for 52 successive weeks prior to the publication of this legal notice.

JIM CRAWFORD, JR.,  
Publisher.

Sworn to and subscribed before me, This 26 day of July, 1975.

JEANNIE GRIFFITH.

My Commission Expires April 1, 1978.

## LEGAL NOTICE

### NOTICE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

### A BILL TO BE ENTITLED AN ACT

To authorize the dissolution of District Number One Tuberculosis Sanatorium Authority, a public corporation organized under the provisions of Act Number 914 enacted at the 1961 Regular Session of the Legislature of Alabama; to provide for the distribution of the funds of the authority to the several counties making original contributions to the Trustees of said District Number One Sanatorium in the amounts contributed; and to provide for the withholding by the Authority of an estimated amount sufficient to meet any potential unemployment and contingent claims, and for the distribution of all other funds to the several counties, making subsequent contributions to the operation of the sanatorium, in the ratios that the contribution of each bore to the total contributions of all, and then final distribution of any remaining funds not needed to pay unemployment and contingent claims, within two years after the passage of this act in the same percentages.

Be It Enacted by the Legislature of Alabama as follows:

Section 1. Legislative Findings and Intent. The Legislature hereby finds and declares that by reason of the decrease in the number of tuberculosis patients it became no longer feasible or necessary to operate District No. One Sanatorium and it was closed and all its real and personal property sold and that District No. One Sanatorium Authority, a public corporation, has on hand funds for disposition.

Section 2. The Authority shall distribute to the counties, making original contributions to the Trustees of District No. One Sanatorium the amounts originally contributed by each to-wit: Colbert County, \$15,000.00; Cullman County, \$14,000.00; Franklin County, \$11,000.00; Jackson County, \$12,000.00; Lauderdale County, \$18,000.00; Lawrence County, \$8,000.00; Limestone County, \$11,000.00; Madison County, \$25,000.00; Marion County, \$12,000.00; Marshall County, \$12,000.00; Morgan County, \$25,000.00; and Winston County, \$6,500.00.

Section 3. The Authority shall withhold an amount estimated to be sufficient to meet any employee unemployment claims or other contingent

claims and pay such just claims that arise within two years after the passage of this Act and then make distribution of any balance so withheld as provided in Section 4.

Section 4. All funds, other than those provided for in Sections 2 and 3 shall be distributed to the several counties making contributions to the operation of the sanatorium in the ratios that the contributions of each bore to the total contributions of all in the following percentages, to-wit: Colbert County, .09582333; Cullman County, .09614195; Franklin County, .06488925; Jackson County, .00643367; Lauderdale County, .14851940; Lawrence County, .01402530; Limestone County, .08164108; Madison County, .20925046; Marion County, .04558915; Marshall County, .01071788; Morgan County, .15936052; and Winston County, .06761795.

Section 5. Upon final distributions of all funds, the Chairman of the Board of Trustees of the Authority shall file a written statement in the office of the Probate Judge of Morgan County showing compliance with this act and the Authority will thereby be dissolved.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF CULLMAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Marc Miller, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Cullman Tribune, a newspaper of general circulation published in Cullman County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 19, June 26, July 3, and July 10, all in the year 1975.

MARC MILLER,  
Publisher.

Sworn to and subscribed before me July 27, 1975.

CHARLOTTE MILLER,  
Notary Public.

#### NOTICE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

##### A BILL TO BE ENTITLED AN ACT

To authorize the dissolution of District Number One Tuberculosis Sanatorium Authority, a public corporation organized under the provisions of Act Number 914 enacted at the 1961 Regular Session of the Legislature of Alabama; to provide for the distribution of the funds of the authority to the several counties making original contributions to the Trustees of said District Number One Sanatorium in the amounts contributed; and to provide for the withholding by the Authority of an estimated amount sufficient to meet any potential unemployment and

contingent claims, and for the distribution of all other funds to the several counties, making subsequent contributions to the operation of the sanatorium, in the ratios that the contribution of each bore to the total contributions of all, and then final distribution of any remaining funds not needed to pay unemployment and contingent claims, within two years after the passage of this act in the same percentages.

Be It Enacted by the Legislature of Alabama as follows:

Section 1. Legislative Findings and Intent. The Legislature hereby finds and declares that by reason of the decrease in the number of tuberculosis patients it became no longer feasible or necessary to operate District No. One Sanatorium and it was closed and all its real and personal property sold and that District No. One Sanatorium Authority, a public corporation, has on hand funds for disposition.

Section 2. The Authority shall distribute to the counties, making original contributions to the Trustees of District No. One Sanatorium the amounts originally contributed by each to-wit: Colbert County, \$15,000.00; Cullman County, \$14,000.00; Franklin County, \$11,000.00; Jackson County \$12,000.00; Lauderdale County, \$18,000.00; Lawrence County, \$8,000.00; Limestone County, \$11,000.00; Madison County, \$25,000.00; Marion County, \$12,000.00; Marshall County, \$12,000.00; Morgan County, \$25,000.00; and Winston County, \$6,500.00.

Section 3. The Authority shall withhold an amount estimated to be sufficient to meet any employee unemployment claims or other contingent claims and pay such just claims that arise within two years after the passage of this Act and then make distribution of any balance so withheld as provided in Section 4.

Section 4. All funds, other than those provided for in Sections 2 and 3 shall be distributed to the several counties making contributions to the operation of the sanatorium in the ratios that the contributions of each bore to the total contributions of all in the following percentages, to-wit: Colbert County, .09582333; Cullman County, .09614195; Franklin County, .06488925; Jackson County, .00643367; Lauderdale County, .14851940; Lawrence County, .01402530; Limestone County, .08164108; Madison County, .20925046; Marion County, .04558915; Marshall County, .01071788; Morgan County, .15936052; and Winston County, .06761795.

Section 5. Upon final distributions of all funds, the Chairman of the Board of Trustees of the Authority shall file a written statement in the office of the Probate Judge of Morgan County showing compliance with this act and the Authority will thereby be dissolved.

#### STATE OF ALABAMA FRANKLIN COUNTY

Before me a Notary Public, in and for said State and County, personally appeared Claude E. Sparks, publisher of the Franklin County Times, a newspaper published in said State and County, who being sworn according to law, deposes and says that the legal notice, copy of which is herewith attached, was duly published in the Franklin County Times for 4 consecutive weekly issues beginning with the issue of June 19, 1975 and ending with the issue of July 10, 1975.

CLAUDE E. SPARKS.

Subscribed and sworn to before me, this the 10 day of July 1975 at Russellville, Ala.

MAE G. STREIT,  
Notary Public.

My Commission Expires 2/8/78.

LEGAL NOTICE

NOTICE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To authorize the dissolution of District Number One Tuberculosis Sanatorium Authority, a public corporation organized under the provisions of Act Number 914 enacted at the 1961 Regular Session of the Legislature of Alabama; to provide for the distribution of the funds of the authority to the several counties making original contributions to the Trustees of said District Number One Sanatorium in the amounts contributed; and to provide for the withholding by the Authority of an estimated amount sufficient to meet any potential unemployment and contingent claims, and for the distribution of all other funds to the several counties, making subsequent contributions to the operation of the sanatorium, in the ratios that the contribution of each bore to the total contributions of all, and then final distribution of any remaining funds not needed to pay unemployment and contingent claims, within two years after the passage of this act in the same percentages.

Be It Enacted by the Legislature of Alabama as follows:

Section 1. Legislative findings and Intent. The Legislature hereby finds and declares that by reason of the decrease in the number of tuberculosis patients it became no longer feasible or necessary to operate District No. One Sanatorium and it was closed and all its real and personal property sold and that District No. One Sanatorium Authority, a public corporation, has on hand funds for disposition.

Section 2. The Authority shall distribute to the counties, making original contributions to the Trustees of District No. One Sanatorium the amounts originally contributed by each to-wit: Colbert County, \$15,000.00; Cullman County, \$14,000.00; Franklin County, \$11,000.00; Jackson County, \$12,000.00; Lauderdale County, \$18,000.00; Lawrence County, \$8,000.00; Limestone County, \$11,000.00; Madison County, \$25,000.00; Marion County, \$12,000.00; Marshall County, \$12,000.00; Morgan County, \$25,000.00; and Winston County, \$6,500.00.

Section 3. The Authority shall withhold an amount estimated to be sufficient to meet any employee unemployment claims or other contingent claims and pay such just claims that arise within two years after the passage of this Act and then make distribution of any balance so withheld as provided in Section 4.

Section 4. All funds, other than those provided for in Sections 2 and 3 shall be distributed to the several counties making contributions to the operation of the sanatorium in the ratios that the contributions of each bore to the total contributions of all in the following percentages, to-wit: Colbert County, .09582333; Cullman County, .09614195; Franklin County, .06488925; Jackson County, .00643367; Lauderdale County, .14851940; Lawrence County, .01402530; Limestone County, .08164108; Madison County, .20925046; Marion County, .004558915; Marshall County, .01071788; Morgan County, 15936052; and Winston County, .06761795.

Section 5. Upon final distributions of all funds, the Chairman of the Board of Trustees of the Authority shall file a written statement in the office of the Probate Judge of Morgan County showing compliance with this act and the Authority will thereby be dissolved.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF JACKSON

Before me, the undersigned authority in and for said County in said State, this day personally appeared James K. Harkness, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Daily Sentinel, a newspaper of general circulation published in Jackson County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 20th, 27th, July 4th, and July 11th, all in the year 1975.

JAMES K. HARKNESS.

Sworn to and subscribed before me the 15th day of July, 1975.

EDNA KIRBY,  
Notary Public.

My Commission Expires Sept. 17, 1975.

#### NOTICE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

##### A BILL TO BE ENTITLED AN ACT

To authorize the dissolution of District Number One Tuberculosis Sanatorium Authority, a public corporation organized under the provisions of Act Number 914 enacted at the 1961 Regular Session of the Legislature of Alabama; to provide for the distribution of the funds of the authority to the several counties making original contributions to the Trustees of said District Number One Sanatorium in the amounts contributed; and to provide for the withholding by the Authority of an estimated amount sufficient to meet any potential unemployment and contingent claims, and for the distribution of all other funds to the several counties, making subsequent contributions to the operation of the sanatorium, in the ratios that the contribution of each bore to the total contributions of all, and then final distribution of any remaining funds not



needed to pay unemployment and contingent claims, within two years after the passage of this act in the same percentages.

Be It Enacted by the Legislature of Alabama as follows:

Section 1. Legislative Findings and Intent. The Legislature hereby finds and declares that by reason of the decrease in the number of tuberculosis patients it became no longer feasible or necessary to operate District No. One Sanatorium and it was closed and all its real and personal property sold and that District No. One Sanatorium Authority, a public corporation, has on hand funds for disposition.

Section 2. The Authority shall distribute to the counties, making original contributions to the Trustees of District No. One Sanatorium the amounts originally contributed by each to-wit: Colbert County, \$15,000.00; Cullman County, \$14,000.00; Franklin County, \$11,000.00; Jackson County, \$12,000.00; Lauderdale County, \$18,000.00; Lawrence County, \$8,000.00; Limestone County, \$11,000.00; Madison County, \$25,000.00; Marion County, \$12,000.00; Marshall County, \$12,000.00; Morgan County, \$25,000.00; and Winston County, \$6,500.00.

Section 3. The Authority shall withhold an amount estimated to be sufficient to meet any employee unemployment claims or other contingent claims and pay such just claims that arise within two years after the passage of this Act and then make distribution of any balance so withheld as provided in Section 4.

Section 4. All funds, other than those provided for in Sections 2 and 3 shall be distributed to the several counties making contributions to the operation of the sanatorium in the ratios that the contributions of each bore to the total contributions of all in the following percentages, to-wit: Colbert County, .09582333; Cullman County, .09614195; Franklin County, .06488925; Jackson County, .00643367; Lauderdale County, .14851940; Lawrence County, .01402530; Limestone County, .08164108; Madison County, .20925046; Marion County, .04558915; Marshall County, .01071788; Morgan County, .15936052; and Winston County, .06761795.

Section 5. Upon final distributions of all funds, the Chairman of the Board of Trustees of the Authority shall file a written statement in the office of the Probate Judge of Morgan County showing compliance with this act and the Authority will thereby be dissolved.

#### AFFIDAVIT OF PUBLICATION

##### STATE OF ALABAMA LAUDERDALE COUNTY

I, Martha Mosakowski, Editor of The Florence Herald, a weekly newspaper published in Florence, Alabama, hereby make affidavit that the advertising of—A Bill to be Entitled an Act—To authorize the dissolution of District Number One Tuberculosis Sanatorium Authority was published in The Florence Herald on the days and dates and in the amounts of space as here given, as follows: June 19, 26, July 3, 10, 1975, Florence, Ala., July 10, 1975.

MARTHA MOSAKOWSKI,  
Editor of The Florence Herald.

Sworn to before me this 10 day of July, 1975.

NANCY J. HAMILTON,  
Notary Public.

My Commission Expires 5-31-75.

### NOTICE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

### A BILL TO BE ENTITLED AN ACT

To authorize the dissolution of District Number One Tuberculosis Sanatorium Authority, a public corporation organized under the provisions of Act Number 914 enacted at the 1961 Regular Session of the Legislature of Alabama; to provide for the distribution of the funds of the authority to the several counties making original contributions to the Trustees of said District Number One Sanatorium in the amounts contributed; and to provide for the withholding by the Authority of an estimated amount sufficient to meet any potential unemployment and contingent claims, and for the distribution of all other funds to the several counties, making subsequent contributions to the operation of the sanatorium, in the ratios that the contribution of each bore to the total contributions of all, and then final distribution of any remaining funds not needed to pay unemployment and contingent claims, within two years after the passage of this act in the same percentages.

Be It Enacted by the Legislature of Alabama as follows:

Section 1. Legislative Findings and Intent. The Legislature hereby finds and declares that by reason of the decrease in the number of tuberculosis patients it became no longer feasible or necessary to operate District No. One Sanatorium and it was closed and all its real and personal property sold and that District No. One Sanatorium Authority, a public corporation, has on hand funds for disposition.

Section 2. The authority shall distribute to the counties, making original contributions to the Trustees of District No. One Sanatorium the amounts originally contributed by each to-wit: Colbert County, \$15,000.00; Cullman County, \$14,000.00; Franklin County, \$11,000.00; Jackson County, \$12,000.00; Lauderdale County, \$18,000.00; Lawrence County, \$8,000.00; Limestone County, \$11,000.00; Madison County, \$25,000.00; Marion County, \$12,000.00; Marshall County, \$12,000.00; Morgan County, \$25,000.00; and Winston County, \$6,500.00.

Section 3. The Authority shall withhold an amount estimated to be sufficient to meet any employee unemployment claims or other contingent claims and pay such just claims that arise within two years after the passage of this Act and then make distribution of any balance so withheld as provided in Section 4.

Section 4. All funds, other than those provided for in Sections 2 and 3 shall be distributed to the several counties making contributions to the operation of the sanatorium in the ratios that the contributions of each bore to the total contributions of all in the following percentages, to-wit:

Colbert County, .09582333; Cullman County, .09614195; Franklin County, .06488925; Jackson County, .00643367; Lauderdale County, .14851940; Lawrence County, .01402430; Limestone County, .08164108; Madison County, .20925046; Marion County, .04558915; Marshall County, .01071788; Morgan County, .15936052; and Winston County, .06761795.

Section 5. Upon final distributions of all funds, the Chairman of the Board of Trustees of the Authority shall file a written statement in the office of the Probate Judge of Morgan County showing compliance with this act and the Authority will thereby be dissolved.

STATE OF ALABAMA  
LAWRENCE COUNTY

Before me a Notary Public, in and for said State and County, personally appeared Arthur F. Slaton, publisher of The Moulton Advertiser, a newspaper published in said State and County, who being sworn according to law, deposes and says that, the legal notice, copy of which is herewith attached, was duly published in The Moulton Advertiser for 4 consecutive weekly issues beginning with the issue of June 19, 1975 and ending with the issue of July 10, 1975.

ARTHUR F. SLATON.

Subscribed and sworn to before me, this the 26 day of July, 1975 at Moulton, Alabama.

LUTHER A. SLATON,  
Notary Public.

My Commission Expires 11-4-78.

NOTICE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To authorize the dissolution of District Number One Tuberculosis Sanatorium Authority, a public corporation organized under the provisions of Act Number 914 enacted at the 1961 Regular Session of the Legislature of Alabama; to provide for the distribution of the funds of the authority to the several counties making original contributions to the Trustees of said District Number One Sanatorium in the amounts contributed; and to provide for the withholding by the Authority of an estimated amount sufficient to meet any potential unemployment and contingent claims, and for the distribution of all other funds to the several counties, making subsequent contributions to the operation of the sanatorium, in the ratios that the contribution of each bore to the total contributions of all, and then final distribution of any remaining funds not needed to pay unemployment and contingent claims, within two years after the passage of this act in the same percentages.

Be It Enacted by the Legislature of Alabama as follows:

Section 1. Legislative Findings and Intent. The Legislature hereby finds and declares that by reason of the decrease in the number of tuberculosis patients it became no longer feasible or necessary to operate District No. One Sanatorium and it was closed and all its real and personal property sold and that District No. One Sanatorium Authority, a public corporation, has on hand funds for disposition.

Section 2. The Authority shall distribute to the counties, making original contributions to the Trustees of District No. One Sanatorium the amounts originally contributed by each to-wit: Colbert County, \$15,000.00; Cullman County, \$14,000.00; Franklin County, \$11,000.00; Jackson County, \$12,000.00; Lauderdale County, \$18,000.00; Lawrence County, \$8,000.00; Limestone County, \$11,000.00; Madison County, \$25,000.00; Marion County, \$12,000.00; Marshall County, \$12,000.00; Morgan County, \$25,000.00; and Winston County, \$6,500.00

Section 3. The Authority shall withhold an amount estimated to be sufficient to meet any employee unemployment claims or other contingent claims and pay such just claims that arise within two years after the passage of this Act and then make distribution of any balance so withheld as provided in Section 4.

Section 4. All funds, other than those provided for in Sections 2 and 3 shall be distributed to the several counties making contributions to the operation of the sanatorium in the ratios that the contributions of each bore to the total contributions of all in the following percentages, to-wit: Colbert County, .09582333; Cullman County, .09614195; Franklin County, .06488925; Jackson County, .00643367; Lauderdale County, .14851940; Lawrence County, .01402530; Limestone County, .08164108; Madison County, .20925046; Marion County, .04558915; Marshall County, .01071788; Morgan County, .15936052; and Winston County, .06761795.

Section 5. Upon final distributions of all funds, the Chairman of the Board of Trustees of the Authority shall file a written statement in the office of the Probate Judge of Morgan County showing compliance with this act and the Authority will thereby be dissolved.

#### STATE OF ALABAMA LIMESTONE COUNTY

Personally appeared before me the undersigned authority in and for said county and state, Alabama who after being duly sworn deposes and says:

My name is Bob Bryan. I am Publisher of the Athens News Courier a newspaper of general circulation, published semi-weekly in Athens, Limestone County, Alabama. The copy of publication hereto attached was published in said paper for 4 consecutive weeks, the first copy of said notice appearing in the issue of said paper published on the 17 day of June, 1975, and the last copy of said publication appearing in the said paper on the 8 day of July, 1975.

BOB BRYAN.

Sworn and subscribed to before me this 14 day of July, 1975.

EDNA B. BRACKEEN,  
Notary Public.

My Commission Expires Feb. 12, 1976.

STATE OF ALABAMA  
COUNTY OF MADISON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To authorize the dissolution of District Number One Tuberculosis Sanatorium Authority, a public corporation organized under the provisions of Act Number 914 enacted at the 1961 Regular Session of the Legislature of Alabama; to provide for the distribution of the funds of the authority to the several counties making original contributions of the Trustees of said District Number One Sanatorium in the amounts contributed; and to provide for the withholding by the Authority of an estimated amount sufficient to meet any potential unemployment and contingent claims, and for the distribution of all other funds to the several counties, making subsequent contributions to the operation of the sanatorium, in the ratios that the contribution of each bore to the total contributions of all, and then distribution of any remaining funds not needed to pay unemployment and contingent claims, within two years after the passage of this act in the same percentages.

Be It Enacted by the Legislature of Alabama as follows:

Section 1. Legislative Findings and Intent. The Legislature hereby finds and declares that by reason of the decrease in the number of tuberculosis patients it became no longer feasible or necessary to operate District No. One Sanatorium and it was closed and all its real and personal property sold and that District No. One Sanatorium Authority, a public corporation, has on hand funds for disposition.

Section 2. The Authority shall distribute to the counties, making original contributions to the Trustees of District No. One Sanatorium the amounts originally contributed by each to-wit: Colbert County, \$15,000.00; Cullman County, \$14,000.00; Franklin County, \$11,000.00; Jackson County, \$12,000.00; Lauderdale County, \$18,000.00; Lawrence County, \$8,000.00; Limestone County, \$11,000.00; Madison County, \$25,000.00; Marion County, \$12,000.00; Marshall County, \$12,000.00; Morgan County, \$25,000.00; and Winston County, \$6,500.00.

Section 3. The Authority shall withhold an amount estimated to be sufficient to meet any employee unemployment claims or their contingent claims and pay such just claims that arise within two years after the passage of this Act and then make distribution of any balance so withheld as provided in Section 4.

Section 4. All funds, other than those provided for in Sections 2 and 3 shall be distributed to the several counties making contributions to the operation of the sanatorium in the ratios that the contributions of each bore to the total contributions of all in the following percentages, to-wit: Colbert County, .09582333; Cullman County, .09614195; Franklin County, .06488925; Jackson County, .00643367; Lauderdale County, .14851940; Lawrence County, .01402530; Limestone County, .08164108; Madison County, .20925046; Marion County, .04558915; Marshall County, .01071788; Morgan County, .15936052; and Winston County, .06761705.

Section 5. Upon final distributions of all funds, the Chairman of the Board of Trustees of the Authority shall file a written statement in the office of the Probate Judge of Morgan County showing compliance with this act and the Authority will thereby be dissolved.

STATE OF ALABAMA  
MADISON COUNTY

Before me, Opal H. Dilworth, a Notary Public in and for Said State and County, personally appeared Ida Mae Echols, known to me, who being by me first duly sworn, deposes and says she is Legal Advertising Manager of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on June 14, 21, 28 and 30, 1975.

IDA MAE ECHOLS,  
Legal Advertising Manager.

Sworn to before me this the 30 day of June, 1975.

OPAL H. DILWORTH,  
Notary Public.

My commission expires April 9, 1979.

NOTICE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage in enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To authorize the dissolution of District Number One Tuberculosis Sanatorium Authority, a public corporation organized under the provisions of Act Number 914 enacted at the 1961 Regular Session of the Legislature of Alabama; to provide for the distribution of the funds of the authority to the several counties making original contributions to the Trustees of said District Number One Sanatorium in the amounts contributed; and to provide for the withholding by the Authority of an estimated amount sufficient to meet any potential unemployment and contingent claims, and for the distribution of all other funds to the several counties, making subsequent contributions to the operation of the sanatorium, in the ratios that the contribution of each bore to the total contributions of all, and then final distribution of any remaining funds not needed to pay unemployment and contingent claims, within two years after the passage of this act in the same percentages.

Be It Enacted by the Legislature of Alabama as follows:

Section 1. Legislative Findings and Intent.

The Legislature hereby finds and declares that by reason of the decrease in the number of tuberculosis patients it became no longer feasible or necessary to operate District No. One Sanatorium and it was closed and all its real and personal property sold and that District No. One Sanatorium Authority, a public corporation, has on hand funds for disposition.

Section 2. The Authority shall distribute to the counties, making original contributions to the Trustees of District No. One Sanatorium the amounts originally contributed by each to-wit: Colbert County, \$15,000.00; Cullman County, \$14,000.00; Franklin County, \$11,000.00; Jackson County, \$12,000.00; Lauderdale County, \$18,000.00; Lawrence County, \$8,000.00; Limestone County, \$11,000.00; Madison County, \$25,000.00; Marion County, \$12,000.00; Marshall County, \$12,000.00; Morgan County, \$25,000.00; and Winston County, \$6,500.00.

Section 3. The Authority shall withhold an amount estimated to be sufficient to meet any employee unemployment claims or other contingent claims and pay such just claims that arise within two years after the passage of this Act and then make distribution of any balance so withheld as provided in Section 4.

Section 4. All funds, other than those provided for in Sections 2 and 3 shall be distributed to the several counties making contributions to the operation of the sanatorium in the ratios that the contributions of each bore to the total contributions of all in the following percentages, to-wit: Colbert County, .09582333; Cullman County, .09614195; Franklin County, .06488925; Jackson County, .00643367; Lauderdale County, .14851940; Lawrence County, .01402530; Limestone County, .08164108; Madison County, .20925046; Marion County, .04558915; Marshall County, .01071788; Morgan County, .15936052; and Winston County, .06761795.

Section 5. Upon final distributions of all funds, the Chairman of the Board of Trustees of the Authority shall file written statement in the office of the Probate Judge of Morgan County showing compliance with this act and the Authority will thereby be dissolved.

#### STATE OF ALABAMA MARION COUNTY

Before me, the undersigned authority in and for said State and County, this day personally appeared Roger Quinn of the Marion County Journal, a newspaper published in Hamilton, Marion County, Alabama, which has a general circulation in the county in which it is published, which newspaper has been mailed under the second class mailing privileges for fifty-two consecutive weeks prior to the publication of the legal advertisement, who being by me duly sworn, says that the legal notice, a copy of which is hereto attached, was published in the said Marion County Journal for 4 consecutive weeks. June 19, 1975; June 26, 1975; July 3, 1975; July 10, 1975.

ROGER QUINN.

Sworn and subscribed to before me, this 31st day of July 1975.

BUDDY HALL,  
Notary Public.

#### NOTICE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To authorize the dissolution of District Number One Tuberculosis Sanatorium Authority, a public corporation organized under the provisions of Act Number 914 enacted at the 1961 Regular Session of the Legislature of Alabama; to provide for the distribution of the funds of the authority to the several counties making original contributions to the Trustees of said District Number One Sanatorium in the amounts contributed; and to provide for the withholding by the Authority of an estimated amount sufficient to meet any potential unemployment and contingent claims, and for the distribution of all other funds to the several counties, making subsequent contributions to the operation of the sanatorium, in the ratios that the contribution of each bore to the total contributions of all, and then final distribution of any remaining funds not needed to pay unemployment and contingent claims, within two years after the passage of this act in the same percentages.

Be It Enacted by the Legislature of Alabama as follows:

Section 1. Legislative Findings and Intent. The Legislature hereby finds and declares that by reason of the decrease in the number of tuberculosis patients it became no longer feasible or necessary to operate District No. One Sanatorium and it was closed and all its real and personal property sold and that District No. One Sanatorium Authority, a public corporation, has on hand funds for disposition.

Section 2. The Authority shall distribute to the counties, making original contributions to the Trustees of District No. One Sanatorium the amounts originally contributed by each to-wit: Colbert County, \$15,000.00; Cullman County, \$14,000.00; Franklin County, \$11,000.00; Jackson County, \$12,000.00; Lauderdale County, \$18,000.00; Lawrence County, \$8,000.00; Limestone County, \$11,000.00; Madison County, \$25,000.00; Marion County, \$12,000.00; Marshall County, \$12,000.00; Morgan County, \$25,000.00; and Winston County, \$6,500.00.

Section 3. The Authority shall withhold an amount estimated to be sufficient to meet any employee unemployment claims or other contingent claims and pay such just claims that arise within two years after the passage of this Act and then make distribution of any balance so withheld as provided in Section 4.

Section 4. All funds, other than those provided for in Sections 2 and 3 shall be distributed to the several counties making contributions to the operation of the sanatorium in the ratios that the contributions of each bore to the total contributions of all in the following percentages, to-wit: Colbert County, .09582333; Cullman County, .09614195; Franklin County, .06488925; Jackson County, .00643367; Lauderdale County, .14851940; Lawrence County, .01402530; Limestone County, .08164108; Madison County, .20925046; Marion County, .04558915; Marshall County, .01071788; Morgan County, .15936052; and Winston County, .06761795.

Section 5. Upon final distributions of all funds, the Chairman of the Board of Trustees of the Authority shall file a written statement in the office of the Probate Judge of Morgan County showing compliance with this act and the Authority will thereby be dissolved.



## PUBLISHER'S AFFIDAVIT

Notice—A Bill to be entitled an Act to authorize the dissolution of District No. 1 Tuberculosis Sanatorium Authority, etc.

Before the undersigned authority personally appeared Porter Harvey who being first duly sworn deposes and says that he is a representative of the Guntersville Advertiser-Gleam, a Newspaper published semi-weekly in the City of Guntersville, Marshall County, Alabama; that the notice attached below has been published in said newspaper for four successive weeks in the issue or issues of said paper dated Aug. 4, 11, 18, 25 respectively.

PORTER HARVEY.

Subscribed and sworn to before me this 28th day of August 1975.

JOHNNIE COUCH,  
Notary Public.

My Commission Expires Sept 11, 1977.

## NOTICE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To authorize the dissolution of District Number One Tuberculosis Sanatorium Authority, a public corporation organized under the provisions of Act Number 914 enacted at the 1961 Regular Session of the Legislature of Alabama; to provide for the distribution of the funds of the authority to the several counties making original contributions to the Trustees of said District Number One Sanatorium in the amounts contributed; and to provide for the withholding by the Authority of an estimated amount sufficient to meet any potential unemployment and contingent claims, and for the distribution of all other funds to the several counties, making subsequent contributions to the operation of the sanatorium, in the ratios that the contribution of each bore to the total contributions of all, and then final distribution of any remaining funds not needed to pay unemployment and contingent claims, within two years after the passage of this act in the same percentages.

Be It Enacted by the Legislature of Alabama as follows:

Section 1. Legislative Findings and Intent. The Legislature hereby finds and declares that by reason of the decrease in the number of tuberculosis patients it became no longer feasible or necessary to operate District No. One Sanatorium and it was closed and all its real and personal property sold and that District No. One Sanatorium Authority, a public corporation, has on hand funds for disposition.

Section 2. The Authority shall distribute to the counties, making original contributions to the Trustees of District No. One Sanatorium the amounts originally contributed by each to-wit: Colbert County, \$15,000.00; Cullman County, \$14,000.00; Franklin County, \$11,000.00;

Jackson County, \$12,000.00; Lauderdale County, \$18,000.00; Lawrence County, \$8,000.00; Limestone County, \$11,000.00; Madison County, \$25,000.00; Marion County, \$12,000.00; Marshall County, \$12,000.00; Morgan County, \$25,000.00; and Winston County, \$6,500.00.

Section 3. The Authority shall withhold an amount estimated to be sufficient to meet any employee unemployment claims or other contingent claims and pay such just claims that arise within two years after the passage of this Act and then make distribution of any balance so withheld as provided in Section 4.

Section 4. All funds, other than those provided for in Sections 2 and 3 shall be distributed to the several counties making contributions to the operation of the sanatorium in the ratios that the contributions of each bore to the total contributions of all in the following percentages, to-wit: Colbert County, .09582333; Cullman County, .09614195; Franklin County, .06488925; Jackson County, .00643367; Lauderdale County, .14851940; Lawrence County, .01402530; Limestone County, .08164108; Madison County, .20925046; Marion County, .04558915; Marshall County, .01071788; Morgan County, .15936052; and Winston County, .06761795.

Section 5. Upon final distributions of all funds, the Chairman of the Board of Trustees of the Authority shall file a written statement in the office of the Probate Judge of Morgan County showing compliance with this act and the Authority will thereby be dissolved.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF MORGAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared S. D. Nettles, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Controller of the Decatur Daily, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the state of Alabama, said notice having appeared in the issues of said paper on June 16, June 23, June 30, and July 7, all in the year 1975.

S. D. NETTLES.

Sworn to and subscribed before me July 7, 1975.

LUCY L. FERGUSON.  
Notary Public.

#### NOTICE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage in enactment will be made, to-wit:

##### A BILL TO BE ENTITLED AN ACT

To authorize the dissolution of District Number One Tuberculosis Sanatorium Authority, a public corporation organized under the provisions of Act Number 914, enacted at the 1961 Regular Session of the

Legislature of Alabama; to provide for the distribution of the funds of the authority to the several counties making original contributions to the Trustees of said District Number One Sanatorium in the amounts contributed; and to provide for the withholding by the Authority of an estimated amount sufficient to meet any potential unemployment and contingent claims, and for the distribution of all other funds to the several counties, making subsequent contributions to the operation of the sanatorium, in the ratios that the contribution of each bore to the total contributions of all, and then final distribution of any remaining funds not needed to pay unemployment and contingent claims, within two years after the passage of this act in the same percentages.

Be It Enacted by the Legislature of Alabama as follows:

Section 1. Legislative Findings and Intent.

The Legislature hereby finds and declares that by reason of the decrease in the number of tuberculosis patients it became no longer feasible or necessary to operate District No. One Sanatorium and it was closed and all its real and personal property sold and that District No. One Sanatorium Authority, a public corporation, has on hand funds for disposition.

Section 2. The Authority shall distribute to the counties, making original contributions to the Trustees of District No. One Sanatorium the amounts originally contributed by each to-wit: Colbert County, \$15,000.00; Cullman County, \$14,000.00; Franklin County, \$11,000.00; Jackson County, \$12,000.00; Lauderdale County, \$18,000.00; Lawrence County, \$8,000.00; Limestone County, \$11,000.00; Madison County, \$25,000.00; Marion County, \$12,000.00; Marshall County, \$12,000.00; Morgan County, \$25,000.00; and Winston County, \$6,500.00.

Section 3. The Authority shall withhold an amount estimated to be sufficient to meet any employee unemployment claims or other contingent claims and pay such just claims that arise within two years after the passage of this Act and then make distribution of any balance so withheld as provided in Section 4.

Section 4. All funds, other than those provided for in Sections 2 and 3 shall be distributed to the several counties making contributions to the operation of the sanatorium in the ratios that the contributions of each bore to the total contributions of all in the following percentages, to-wit: Colbert County, .09582333; Cullman County, .09614195; Franklin County, .06488925; Jackson County, .00643367; Lauderdale County, .14851940; Lawrence County, .01402530; Limestone County, .08164108; Madison County, .20925046; Marion County, .04558915; Marshall County, .01071788; Morgan County, .15936052; and Winston County, .06761795.

Section 5. Upon final distributions of all funds, the Chairman of the Board of Trustees of the Authority shall file written statement in the office of the Probate Judge of Morgan County showing compliance with this act and the Authority will thereby be dissolved.

PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF WINSTON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Don Thrasher, who, being by me first

duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Northwest Alabamian, a newspaper of general circulation published in Winston County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 19, June 26, July 3, and July 10, all in the year 1975.

DON THRASHER.

Sworn to and subscribed before me the thirty-first day of July 1975.

MILDRED GREGG,  
Notary Public.

By Mr. St. John:

S. 1111. To authorize and regulate collection agencies, to define collection agencies, to prescribe the duties thereof, to describe the duties of the Superintendent of Banks in the connection therewith, to fix bonds for the operation thereof, and to set methods of operating in Alabama.

Committee on Commerce, Transportation, and Utilities.

By Messrs. Pearson, Vacca, Ellis, Clemon, Gilmore and McMillan:

S. 1112. To authorize and provide for the incorporation in each city in the state having a population of 250,000 or more according to the last or any subsequent federal census of one or more public corporations for the purpose of providing products markets, exhibition halls, coliseums and buildings and related structures for the display of products or the conduct of exhibitions, contests and sporting events in order to encourage the industrial, economic and commercial development of such cities, the counties in which they are located, and the state, and to promote interest in sports, and amusements; to provide for the election or appointment of directors and officers of such corporation: to specify the powers of such corporation, including the exercise of the power of eminent domain: to empower such corporation to enter into management contracts and other agreements with private entities for management of any project developed by it; to empower the municipality in which such corporation is organized to enter into a lease agreement with such corporation for lease by such municipality of any project developed by the corporation for a term of up to thirty years; to empower the municipality in which such corporation is organized, as well as any other municipality in the same county as such municipality, as well as the county itself to make capital investments in such corporation; to authorize the county in which such corporation is organized, any public corporation formed with its consent or approval, any public corporation formed with the consent or approval of such municipality, any other municipality located in such county, any public corporation formed with its consent or approval and the State of Alabama or any of its corporate agencies to enter into leases for use by them of any project developed by such corporation; to provide certain terms and conditions for such leases; to authorize the donation of property by such municipality, the county in which the same is located, any other municipality in such county, or the state to such corporation; to authorize the appropriations of funds by such municipality, the county in which the same is located, any other municipality in such county, or the State of Alabama to or for the benefit of such corporation; to authorize the sale and issuance by such corporation of interest-bearing revenue bonds and

refunding revenue bonds, payable solely out of the rent, revenues and income from the project or projects with respect to which they are issued; to specify the provisions which may be included in such bonds and to declare them to be negotiable instruments; to authorize and provide for an indenture of trust under which such bonds may be issued; to provide for certain remedies in favor of the holder or holders of any bonds issued by such corporation upon default on the same, but limiting such remedies to preclude foreclosure upon any project of such corporation, or any other remedy by which the holder or holders of such bonds may gain ownership, title or possession of such project; to specify the use to which the proceeds of such bonds may be put; to authorize the investment of funds of such corporation not presently needed; to exempt from taxation properties of the corporation and income therefrom, the said leases, the said bonds and the income therefrom and the said indentures; to provide that such bonds shall be legal investments for fiduciaries, savings banks and insurance companies; to authorize the investment of idle and surplus funds of such municipality, the county in which the same is located, and any other municipality in such county in such bonds; to authorize the publication of notice of the adoption of the resolution authorizing such bonds and providing a short statute of limitation for the institution of action or the making of defenses respecting the validity of said bonds, pledge, indenture and lease; to provide for the vesting in such municipality of title to each project of such corporation upon payment of all bonds issued with respect to such project; to provide for payment of any surplus monies held by such corporation at the end of any fiscal year thereof in excess of \$250,000 or such greater sum as may be approved by the governing body of such municipality, in excess of any reserves necessary to secure payment of any indebtedness of the authority, to such municipality; to provide for transfer of the assets of any corporation organized pursuant to the provisions of Act No. 174 of the First Special Session, 1965 (1965, First Extra Session, pp. 224, et seq.) in the county in which such municipality is located which has no bonded or otherwise secured indebtedness to such corporation; to provide for the directors of such a corporation organized pursuant to the provisions of said Act No. 174 to be the initial directors of such corporation if willing to serve as such; and, to provide for the dissolution of such corporation.

Committee on Local Legislation No. 2.

By Mr. St. John:

S. 1113. To provide for branch banking in Winston County.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

#### NOTICE

Notice is hereby given that at the Regular 1975 Session of the Legislature of Alabama a bill substantially as follows will be introduced and application for its passage and enactment will be made, that is to say:

#### A BILL TO BE ENTITLED AN ACT

To provide for branch banking in Winston County.

Be It Enacted by the Legislature of Alabama:

Section 1. Any bank having its principal place of business or a branch bank in Winston County may with the approval of the Superintendent of Banks of the State of Alabama establish, maintain and operate one or more branches for the transaction of the banking business at any place in Winston County.

Section 2. This Act shall be effective immediately upon its approval by the Governor or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF WINSTON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Don Thrasher, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Northwest Alabamian, a newspaper of general circulation published in Winston County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 19, May 16, June 2, and June 9, all in the year 1975.

DON THRASHER.

Sworn to and subscribed before me June 23, 1975.

MILDRED GREGG,  
Notary Public.

By Mr. Jones:

S. 1114. Relating to the City of Montgomery in Montgomery County; to provide that the public street known as Fieldcrest Drive may not be constructed as a grade level crossing where it intersects the Central of Georgia railroad tracks; if Fieldcrest Drive is to be constructed as a four (4)-lane street in either direction from said railroad tracks, provided however, that Fieldcrest Drive may be opened as a grade level crossing if said street remains as a two (2)-lane street from either direction of the said intersection.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

##### STATE OF ALABAMA COUNTY OF MONTGOMERY

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

Relating to the City of Montgomery County; to provide that the

public street known as Fieldcrest Drive may not be constructed as a grade level crossing where it intersects the Central of Georgia railroad tracks.

Be It Enacted by the Legislature of Alabama:

Section 1. That public street in the City of Montgomery, Montgomery County known as Fieldcrest drive may not be opened or constructed as a grade level crossing where it intersects the tracks of the Central of Georgia Railway. Said Fieldcrest Drive may only be opened at said intersection with the Central of Georgia Railroad if over or underpasses are provided for both vehicular and pedestrian traffic, said over or underpasses shall be paid for by the City of Montgomery, if constructed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

W. T. Johnson, being sworn, says that he is editor and publisher of The Montgomery Independent, a weekly newspaper of general circulation, printed and published in the City and County of Montgomery, Alabama, and that the attached notice appeared in the issues of May 22, 29, June 5, 12 of The Montgomery Independent.

W. T. JOHNSON,

Sworn to and subscribed before me this the 11th day of August, 1975.

SUSAN WARD JOHNSON.

My Commission Expires Feb. 3, 1979.

By Mr. Mims:

S. 1115. To authorize establishment of branch banks in Monroe County.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF MONROE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To authorize establishment of branch banks in Monroe County.

Be It Enacted by the Legislature of Alabama:

Section 1. Any bank, either incorporated or unincorporated, whose principal place of business is located in Monroe County shall have the power to establish, to maintain, and to operate within the limits or boundaries of such county one or more branches or branch banks, branch offices, branch agencies, additional offices, or branch places of business for

the receipt of deposits, payment of checks, lending of money and the conduct of a general banking business, provided that such bank, before establishment of any such branch or branches, shall first secure the written consent of the State Superintendent of Banks or the Comptroller of the Currency, as the case may require.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF MONROE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Bill Stewart, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Monroe Journal, a newspaper of general circulation published in Monroe County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 31, Aug. 7, Aug. 14, and Aug. 21, all in the year 1975.

BILL STEWART.

Sworn to and subscribed before me Aug. 21, 1975.

FRANCES REID NETTLES,  
Notary Public.

By Mr. Owen:

S. 1116. To amend Section 6 of Act No. 740, H. 189, Regular Session 1969 (Acts 1969, p. 1315) relating to the appointment of a Securities Director of the Alabama Securities Commission.

Committee on Finance and Taxation.

By Mr. Jones:

S. 1117. The Act provides members of the Employees' Retirement System of Alabama, who became members prior to October 1, 1965, certain guarantee of retirement benefits, in addition to those provided by Section 460 of Title 55 of the Code of Alabama 1940, as amended, which relates to benefits payable under the Employees' Retirement System of Alabama; also provides a redetermination of benefits payable on or after October 1, 1975 to such members, and further provides for necessary and proper appropriations.

Committee on Finance and Taxation.

By Mr. Mims:

S. 1118. To authorize the Governor, the Director of Finance, the State Forester, the Chairman of the Forestry Commission, and a Forestry Commissioner appointed by the Chairman of the Forestry Commission to become a public corporation to be known as Forestry Commission Building



Authority; to provide the procedure for incorporation, to designate the members, directors, and officers of the Authority; to prescribe the powers of the Authority, including the power to provide for the construction, reconstruction, improvement, alteration, and equipment of office buildings and other facilities or buildings for use as the State headquarters of the State Forestry Commission and the acquisition of sites therefor, or the acquisition of such office buildings and other facilities or buildings by purchase or lease-purchase agreement, the power of eminent domain, and the power to sell and issue not exceeding \$3,000,000 principal amount of bonds for such purposes; to authorize the issuance of refunding bonds; to provide for the investment of the proceeds from the sale of the bonds of the Authority; to provide that all properties of the Authority and the income therefrom and all bonds issued and the income therefrom and all leases made for rental of its properties and all lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues of the Authority and shall not create an obligation or debt of the State; to provide that any bonds issued by the Authority may be used as security for deposits and investment of public funds and fiduciary funds; to specify the application of the proceeds of the bonds of the Authority; to provide for the construction and equipment by the Authority of office buildings and other facilities of buildings or the acquisition by the Authority of such buildings and other facilities by purchase or lease-purchase agreement; to authorize the conveyance to said Authority of lands owned by the State or by the State Forestry Commission; to create a reserve fund for the benefit of the bonds of the Authority; to authorize the Authority to pledge such revenues from its facilities as may be necessary to pay the principal of and interest on its bonds; to authorize the filing for record of an instrument reciting the issuance of said bonds and the creation of said pledge as a lien on said revenues which filing will constitute constructive notice; to provide that the State Treasurer shall be the custodian of the funds of the Authority; to provide for the lease to and by agencies, boards, commissions, public corporations, bureaus and departments of the State of Alabama and of the United States, and to private parties, of space in said office building or buildings and said other facilities and buildings; to authorize publication of notice of the resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said bonds or pledge; and to provide for dissolution of said Authority and conveyance of its assets and properties to the State Forestry Commission upon payment of said bonds and upon full performance or termination of all lease-purchase agreements.

Committee on Finance and Taxation.

By Mr. Jones:

S. 1119. To make appropriations from the state treasury to the use of Alabama State University located in Montgomery, Alabama for capital outlay purposes.

Committee on Finance and Taxation.

By Mr. Baker:

S. 1120. To permit the deduction by individual income taxpayers, in computing net income for income tax purposes, of certain educational expenses.

Committee on Finance and Taxation.

By Mr. Baker:

S. 1121. To establish a fund from the annual appropriations of each state trade school and junior college, commencing October 1, 1975, to be carried by the state treasurer for the payment of awards against such schools and colleges ordered paid by the state board of adjustment and its expenses, including any claims now pending before such board.

Committee on Finance and Taxation.

By Mr. Baker:

S. 1122. Relating to crimes and offenses; providing punishment for anyone convicted of discharging a firearm at an airplane while such plane is in flight.

Committee on Judiciary.

By Mr. Baker:

S. 1123. Proposing an amendment to Article IV, Section 93, as amended, of the Constitution of Alabama relative to providing irrigation and water conservation in the state.

Committee on Conservation.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Baker:

S. 1124. Relating to irrigation and water conservation; authorizing the state to provide financial assistance, to underwrite and to guarantee costs of a pilot irrigation and water conservation project and facilities related thereto; creating a state irrigation development trust fund; and providing for the use of such fund; prescribing the manner of repayment of any loans by the state made for the use of such project; and providing that any such project shall remain under the supervision and control of the state until all monies owed are repaid.

Committee on Conservation.

By Mr. Flippo:

S. 1125. Relating to all counties having populations of not less than 65,500 nor more than 75,200 according to the most recent federal decennial census; providing that an unincorporated community shall not be incorporated if the territory or any part of its corporate limits lies within the police jurisdiction of the corporate limits of any existing city or town within such county.

Committee on Local Legislation No. 1.

By Mr. Wilson:

S. 1126. To create the office of senior legislative counsel; to prescribe the qualifications, duties and term of all such officers; and to make appropriations from the state general fund to pay the salaries of all senior legislative counsel.

Committee on Finance and Taxation.

By Mr. Foshee:

S. 1127. To amend Act No. 276, S. 170, 1971 Third Special Session (Acts of 1971, p. 4543) [now appearing in Code of Alabama, Recompiled 1958, Title 23, Section 64(17)-64(35)] amending Sections III, IV, VI, VII, XII and XIII of such act known as the "Highway Beautification Act—Outdoor Advertising"; so as to provide control of outdoor advertising signs outside of an urban area beyond 660 feet of the right-of-way of interstate or primary highway systems; to provide for Court proceedings, evidentiary matters and procedures; to provide for just compensation for removal of such signs and to provide penalties for violations.

Committee on Finance and Taxation.

By Mr. Foshee:

S. 1128. To amend Act No. 753, S. 306, 1953 Regular Session (Acts of 1953, P. 1015) [now appearing in Code of Alabama, 1940, Recompiled 1958] to provide for monetary payments by any person, firm, corporation or association which, without the consent of the Director of the State of Alabama Highway Department, cuts down, digs up, deadens, girdles, boxes, destroys, or takes away trees already cut down or fallen, upon rights of way in possession of or under control of the Highway Department; to provide for the bringing of actions; to provide that certain testimony may be received in actions under the provisions of this act; and to exempt from the provisions of this act employees of the Highway Department acting within the line and scope of their employment.

Committee on Finance and Taxation.

By Mr. Foshee:

S. 1129. Relating to trees, tree seedlings and saplings of any kind or species on or within highway right of way in possession of, or under the control of the State of Alabama Highway Department: To constitute and make it a misdemeanor and to provide penalties for any person to cut down, deaden, girdle, box destroy, or to take away if already cut down, any tree, tree seedling or sapling of any kind or species on or within highway right of way in the possession of, or under the control of the State of Alabama Highway Department; to provide application to those aiding or abetting, or who are in any manner an accomplice therein; to provide for testimony to establish right of way in the possession of, or under the control of the Highway Department; and to exempt employees of the Highway Department from the penalties provided while acting within the line and scope of their employment.

Committee on Finance and Taxation.

By Mr. Foshee:

S. 1130. To authorize State and Local Government Agencies to expend available public funds for the functional replacement of publicly-owned lands, buildings and facilities when any program or project undertaken involves the acquisition of such properties.

Committee on Finance and Taxation.

By Mr. Mitchell:

S. 1131. Relating to Crenshaw County; to provide an additional expense allowance to the county solicitor.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
CRENSHAW COUNTY

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Crenshaw County; to provide an additional expense allowance to the county solicitor.

Be It Enacted by the Legislature of Alabama:

Section 1. The county solicitor of Crenshaw County shall be paid an additional expense allowance of one-hundred and fifty dollars (\$150) per month to be paid from any fund in the county treasury. Such expense allowance shall be in addition to all other compensation and allowances heretofore provided by law and shall expire at the end of the current term of the county solicitor.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT  
PROOF OF PUBLICATION

STATE OF ALABAMA  
CRENSHAW COUNTY

Before the undersigned Notary Public personally came Alvin C. Bland, who being duly sworn says upon oath that he is Publisher of a newspaper published at Luverne, Crenshaw County, Alabama known as The Luverne Journal, and that the notice of publication, a true copy of which is hereto annexed, and being entitled: A Bill to be Entitled an Act . . . . was published in said newspaper, once a week for Four consecutive weeks, to-wit in the issues of said newspaper dated: August 6, 1975; August 13, 1975; August 20, 1975; August 27, 1975.

ALVIN BLAND.

Sworn and subscribed to before me this 2nd day of September, 1975.

PEGGY L. KNIGHT.  
Notary Public.

My Commission Expires 3-28-78.

By Mr. Mitchell:

S. 1132. Relating to Crenshaw County; to provide for the county solicitor's salary.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF CRENSHAW

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Crenshaw County; to provide for the county solicitor's salary.

Be It Enacted by the Legislature of Alabama:

Section 1. The salary of the county solicitor of Crenshaw County shall be six hundred (\$600) per month and shall be paid from the same funds as his current compensation is paid. This compensation shall be effective upon the expiration of the current term of the county solicitor and shall be in lieu of all other compensation, salary, and expenses accounts heretofore provided by law.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT  
PROOF OF PUBLICATION

STATE OF ALABAMA  
CRENSHAW COUNTY

Before the undersigned Notary Public personally came Alvin C. Bland, who being duly sworn says upon oath that he is Publisher of a newspaper published at Luverne, Crenshaw County, Alabama known as The Luverne Journal, and that the notice of publication, a true copy of which is hereto annexed, and being entitled: A Bill to be Entitled an Act . . . was published in said newspaper, once a week for Four consecutive weeks, to-wit in the issues of said newspaper dated: August 6, 1975; August 13, 1975; August 20, 1975; August 27, 1975.

ALVIN BLAND.

Sworn and subscribed to before me this 2nd day of September, 1975.

PEGGY L. KNIGHT,  
Notary Public.

My Commission Expires 3-28-78.

## REPORTS OF COMMITTEES

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Merrill and Crowe:

H. 1551. To make an additional appropriation for salaries and other expenses for the use of the Legislature for the fiscal year ending September 30, 1975.

By Messrs. Givhan, Mims, Gilmore and Adams:

S. 748. Relating to the eradication and control of swine diseases: to make an appropriation to the department of agriculture and industries for the two fiscal years ending September 30, 1976 and September 30, 1977, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of cholera, African swine fever and other swine diseases.

## BILLS ON THIRD READING RESUMED

The Bill:

S. 564. To make appropriations from the state treasury to the use of the Board of Trustees of Auburn University located in Auburn, Alabama for capital outlay purposes.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 564, to-wit:

## COMMITTEE SUBSTITUTE FOR S. 564

A BILL  
TO BE ENTITLED  
AN ACT

To make appropriations from the state treasury to the use of the Board of Trustees of Auburn University for capital outlay purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other appropriations heretofore made to Auburn University, there is hereby appropriated from the Alabama Special Education Trust Fund in the State Treasury, for the fiscal year ending September 30, 1976, to the use of the Board of Trustees of Auburn University, to be used for capital outlays and capital improvements only, the following amounts for the specific projects:

a. To build a new Engineering Building on the main campus 5,000,000.00.

b. To build a new Vocational Teacher Training Center on the main campus 2,200,000.00.

c. To relocate the Department of Buildings and Grounds on the main campus 1,350,000.00.

d. To build a Library and Learning Resource Center at Auburn University in Montgomery 4,000,000.00.

Section 2. All appropriations herein made are, and shall be subject to the terms, conditions, provisions and limitations of Title 55, Chapter 4, Article 3 of the Code of Alabama 1940.

Section 3. This act shall become effective October 1, 1975.

Mr. Shelby offered the following amendment to the substitute for the Bill, S. B. 564, to-wit:

#### AMENDMENT TO SUBSTITUTE FOR S. B. 564

Amend Senate Finance & Taxation Committee Substitute to S. B. 564 on Page 1, Line 17, in the title by adding after the word "University" the following words:

"And for the University of Alabama Board of Trustees for use at its Tuscaloosa campus."

Further amend Senate Bill 564 as substituted, by adding a new Section 2 as follows:

"Section 2. In addition to all other appropriations heretofore made there is hereby appropriated from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1976, to the use of the Board of Trustees of The University of Alabama at its Tuscaloosa campus to be used for capital outlay purposes the sum of \$8,550,000.00.

Further amend Senate Bill 564 as substituted, by renumbering the remaining Sections in proper numerical sequence.

Mr. Torbert moved that said amendment be laid on the table, which motion was lost.

Yeas 8; Nays 20.

*Yeas:*

Messrs. Ellis, Jones, Little, McDonald (S), Mitchell, Perry, Powell, Torbert.

—8

*Nays:*

Messrs. Adams, Bank, Clemon, Fine, Flippo, Foshee, Gilmore, Givhan, King, Littleton, McDonald (A), Mims, Noonan, Perloff, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

—20

And said amendment was then adopted by the Senate.

Mr. Perloff offered the following amendment to the substitute, as amended, for the Bill, S. B. 564, to-wit:

#### AMENDMENT TO SUBSTITUTE FOR S. 564 AS AMENDED

Amend Senate Bill No. 564, page 1, Title, line 17 by inserting after the word "campus" the following words "University of South Alabama."

Amend the Senate Finance & Taxation Committee Substitute to S. 564 as follows:

On Page 1, Line , strike the present Section 3 in its entirety and add in lieu thereof the following:

"Section 3. In addition to all other appropriations heretofore made to the University of South Alabama, located in Mobile, Alabama, there is hereby appropriated from the Alabama Special Education Trust Fund in the state treasury, for the fiscal year ending September 30, 1976, to the use of the Board of Trustees of the University of South Alabama, located in Mobile, Alabama, to be used for capital outlays and capital improvements only, the following amounts for the specific projects:

"a. For an addition to the Library \$2,500,000.00.

"b. To construct facilities for Engineering and Physical Sciences \$3,900,000.00.

"Section 4. All appropriations herein made are, and shall be subject to the terms, conditions, provisions and limitations of Title 55, Chapter 4, Article 3 of the Code of Alabama 1940."

Further amend Senate Finance & Taxation Committee Substitute to S. 564 as follows:

On Page 2, Line 8, renumber the present "Section 3" as "Section 5".

Mr. Torbert moved that said amendment be laid on the table, which motion was lost.

Yeas 9; Nays 24.

*Yeas:*

Messrs. Ellis, Gilmore, Jones, Little, McMillan, Mitchell, Perry, St. John, Torbert.

—9

*Nays:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Flipppo, Givhan, King, Littleton, McDonald (A), McDonald (S), Mims, Noonan, Owen, Perloff, Powell, Roberts, Shelby, Stewart, Vacca, Waldrop, Weaver, Wilson.

—24

And said amendment was then adopted by the Senate.

Mr. Littleton offered the following amendment to the substitute, as amended, for the Bill, S. B. 564, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED,  
FOR S. B. 564

Amend Senate Bill 564 as substituted, by adding to the caption thereof the following:

"and for the Board of Trustees of the University of Montevallo"

Further amend Senate Bill 564 as substituted, by adding a new section 4 as follows:



"Section 4. In addition to all other appropriations heretofore made there is hereby appropriated from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1976, to the use of the Board of Trustees of The University of Montevallo to be used for capital outlay purposes the sum of \$4,000,000.00.

Further amend Senate Bill 564 as substituted, by renumbering the remaining Sections in proper numerical sequence.

Mr. Torbert moved that said amendment be laid on the table, which motion was lost.

Yeas 6; Nays 17.

*Yeas:*

Messrs. Little, McDonald (A), McMillan, Mitchell, Perry, Torbert.

—6

*Nays:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Flippo, Foshee, Givhan, Littleton, McDonald (S), Noonan, Powell, Shelby, Stewart, Waldrop, Weaver, Wilson.

—17

And said amendment was then adopted by the Senate.

Messrs. Flippo, Fine and Edwards offered the following amendment to the substitute, as amended, for the Bill, S. B. 564, to-wit:

AMENDMENT TO SUBSTITUTE,  
AS AMENDED, FOR S. B. 564

Amend Senate Bill 564 as substituted, by adding to the caption thereof the following:

"and for the Board of Trustees of the University of North Alabama"

Further amend Senate Bill 564 as substituted, by adding a new Section 5 as follows:

"Section 5. In addition to all other appropriations heretofore made there is hereby appropriated from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1976 to the use of the Board of Trustees of the University of North Alabama to be used for capital outlay purposes the sum of 6,000,000.00"

Further amend Senate Bill 564 as substituted, by renumbering the remaining Sections in proper numerical sequence.

Mr. Torbert moved that said amendment be laid on the table, which motion was lost.

And said amendment was then adopted by the Senate.

Mr. Bank offered the following amendment to the substitute, as amended, for the Bill, S. B. 564, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED,  
FOR S. B. 564

Amend Senate Bill 564 as substituted, by adding to the caption thereof the following:

“and for the Board of Trustees of Livingston State University”

Further amend Senate Bill 564 as substituted, by adding a new Section 6 as follows:

“Section 6. In addition to all other appropriations heretofore made there is hereby appropriated from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1976, to the use of the Board of Trustees of Livingston State University to be used for capital outlay purposes the sum of \$500,000.00.”

Further amend Senate Bill 564 as substituted by renumbering the remaining Sections in proper numerical sequence.

Mr. Torbert moved that said amendment be laid on the table, which motion was lost.

Yeas 5; Nays 17.

*Yeas:*

Messrs. Little, McMillan, Mitchell, Perry, Torbert.

—5

*Nays:*

Messrs. Baker, Bank, Edwards, Fine, Flippo, Givhan, Littleton, McDonald (A), McDonald (S), Mims, Noonan, Perloff, Powell, Shelby, Stewart, Waldrop, Wilson.

—17

And said amendment was then adopted by the Senate.

Messrs. Fine and Baker offered the following amendment to the substitute, as amended, for the Bill, S. B. 564, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED,  
FOR S. B. 564

Amend Senate Bill 564 as substituted, by adding to the caption thereof the following:

“and for Northwest Alabama State Junior College”

Further amend Senate Bill 564 as substituted, by adding a new Section 7 as follows:

“Section 7. In addition to all other appropriations heretofore made there is hereby appropriated from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1976, to the use of the Northwest Alabama State Junior College to be used for capital outlay purposes the sum of \$1,000,000.00.”

Further amend Senate Bill 564 as substituted, by renumbering the remaining Sections in proper numerical sequence.

Mr. Torbert moved that said amendment be laid on the table, which motion was lost.

And said amendment was then adopted by the Senate.

Mr. Fine then offered the following amendment to the substitute, as amended, for the Bill, S. B. 564, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED,  
FOR S. B. 564

Amend Senate Bill 564, as substituted, by adding to the caption thereof after the word "University" the following:

"and for Snead State Junior College"

Further amend Senate Bill 564 as substituted, by adding a new Section 8 as follows:

"Section 8. In addition to all other appropriations heretofore made there is hereby appropriated from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1976, to the Snead State Junior College to be used for capital outlay purposes the sum of \$5,000,000.00."

Further amend Senate Bill 564 as substituted, by renumbering the remaining Sections in proper numerical sequence.

Mr. Torbert moved that said amendment be laid on the table, which motion was lost.

And said amendment was then adopted by the Senate.

Mr. Stewart offered the following amendment to the substitute, as amended, for the Bill, S. B. 564, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED,  
FOR S. B. 564

Amend Senate Bill 564 as substituted, by adding to the caption thereof after the word "University" the following:

"and for the Board of Trustees of Jacksonville State University"

Further amend Senate Bill 564 as substituted, by adding a new Section 9 as follows:

"Section 9. In addition to all other appropriations heretofore made there is hereby appropriated from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1976, to the use of the Board of Trustees of Jacksonville State University to be used for capital outlay purposes the sum of \$6,000,000.00."

Further amend Senate Bill 564 as substituted, by renumbering the remaining Sections in proper numerical sequence.

Mr. Torbert moved that said amendment be laid on the table, which motion was lost.

And said amendment was then adopted.

Mr. Waldrop offered the following amendment to the substitute, as amended, for the Bill, S. B. 564, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED,  
FOR S. B. 564

Amend Senate Bill 564 as substituted, by adding to the caption thereof after the word "University" the following:

"and for Alabama Technical College."

Further amend Senate Bill 564 as substituted, by adding a new Section 10 as follows:

"Section 10. In addition to all other appropriations heretofore made there is hereby appropriated from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1976 to Alabama Technical College to be used for capital outlay purposes the sum of 750,000.00."

Further amend Senate Bill 564 as substituted, by renumbering the remaining Sections in proper numerical sequence.

Mr. Torbert moved that said amendment be laid on the table, which motion was lost.

Adn said amendment was then adopted.

Mr. Waldrop then offered the following amendment to the substitute, as amended, for the Bill, S. B. 564, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED,  
FOR S. B. 564

Amend Senate Finance & Taxation Committee Substitute to S. B. 564 on Page 1, Line 17, in the title by adding after the word "University" the following words:

"Etowah County School System."

Further amend Senate Bill 564 as substituted, by adding a new Section 11 as follows:

"Section 11. In addition to all other appropriations heretofore made there is hereby appropriated from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1976, to the use of Etowah County School System to be used for Construction of a Middle School at Rainbow City—Southside the sum of \$1,750,000.00.

Further amend Senate Bill 564 as substituted, by renumbering the remaining Sections in proper numerical sequence.

Mr. Torbert moved that said amendment be laid on the table, which motion was lost.

And said amendment was then adopted.

Mr. Waldrop then offered the following amendment to the substitute, as amended, for the Bill, S. B. 564, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED,  
FOR SENATE BILL 564

Amend Senate Bill 564 as substituted, by adding to the caption thereof the following:

“and for Gadsden State Junior College”

Further amend Senate Bill 564 as substituted, by adding a new Section 2 as follows:

“Section 2. In addition to all other appropriations heretofore made there is hereby appropriated from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1976 to Gadsden State Junior College for construction of a building to house the Co-operative University Upper Division the sum of \$1,500,000.00.

Further amend Senate Bill 564 as substituted, by renumbering the remaining Sections in proper numerical sequence.

Mr. Torbert moved that said amendment be laid on the table, which motion was lost.

And said amendment was then adopted.

Mr. Waldrop then offered the following amendment to the substitute, as amended, for the Bill, S. B. 564, to-wit:

AMENDMENT TO THE SUBSTITUTE, AS AMENDED  
FOR S. B. 564

Amend Senate Bill 564 as substituted, by adding to the caption thereof the following:

“and for Gadsden State Technical Institute”

Further amend Senate Bill 564 as substituted, by adding a new Section 13 as follows:

“Section 13. In addition to all other appropriations heretofore made there is hereby appropriated from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1976 to Gadsden State Technical Institute to be used for capital outlay purposes the sum of \$300,000.00.”

Further amend Senate Bill 564 as substituted, by renumbering the remaining Sections in proper numerical sequence.

Mr. Torbert moved that said amendment be laid on the table, which motion was lost.

And said amendment was then adopted.

Mr. Wilson offered the following amendment to the substitute, as amended, for the Bill, S. B. 564, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED,  
FOR S. B. 564

Amend Senate Bill 564, as substituted, by adding to the caption thereof the following:

“and for the Board of Trustees of Troy State University”

Further amend Senate Bill 564 as substituted, by adding a new Section 14 as follows:

“Section 14. In addition to all other appropriations heretofore made there is hereby appropriated from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1976, to the use of the Board of Trustees of Troy State University to be used for capital outlay purposes the sum of \$5,000,000.00.”

Further amend Senate Bill 564 as substituted, by renumbering the remaining Sections in proper numerical sequence.

Mr. Torbert moved that said amendment be laid on the table, which motion was lost.

And said amendment was then adopted.

Mr. St. John offered the following amendment to the substitute, as amended, for the Bill, S. B. 564, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED,  
FOR SENATE BILL 564

Amend Senate Bill 564 as substituted, by adding to the caption thereof the following:

“and for the George C. Wallace State Technical Community College”

Further amend Senate Bill 564 as substituted, by adding a new Section 15 as follows:

“Section 15. In addition to all other appropriations heretofore made there is hereby appropriated from the Alabama Special Education Trust Fund for the fiscal year ending September 30, 1976, to the use of the George C. Wallace State Technical Community College to be used for capital outlay purposes the sum of \$3,000,000.00.”

Further amend Senate Bill 564 as substituted, by renumbering the remaining Sections in proper numerical sequence.

Mr. Torbert moved that said amendment be laid on the table, which motion was lost.

And said amendment was then adopted.

On motion of Mr. St. John, further consideration of the Bill, S. B. 564, and pending substitute, as amended, was postponed until the next Legislative Day.

BILL RE-REFERRED

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the Bill, H. B. 1139, and ordered same returned to the Senate with the recommendation that it be re-referred to the Standing Committee on Finance and Taxation.

And the President and Presiding Officer of the Senate ordered said Bill, H. B. 1139, re-referred to the Standing Committee on Finance and Taxation.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has acceded to the request of the Senate for a new Committee on Conference on the bill, H. 769:

H. 769. To create a Board of Trustees to manage, control, and maintain Alabama Agricultural and Mechanical University at Huntsville; to prescribe the powers, duties, authority, and compensation of the board; to provide for the appointment and prescribe the terms of office of members thereof; to divest the State Board of Education of all jurisdiction, power and authority with respect to the supervision, management and control of said university; and to provide for the transfer from said State Board of Education to the Board of Trustees of Alabama Agricultural and Mechanical University all supplies, funds, books, documents, records, and other property or effects of such University.

And discharged the Committee on Conference appointed.

And the Speaker of the House named as a new Committee on Conference on the part of the House Messrs. Albright, Lutz and Riddick.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Gafford:

H. 390. Proposing an amendment to Article 4, Section 106 of the Constitution of Alabama to reduce the time required for publication of notice of local legislation and also dispensing with the requirement of spreading notice and proof of local legislation on the journals of each house by providing that the Clerk of the House or the Secretary of the Senate shall merely certify in the appropriate journal that notice and proof was attached to the local legislation and is attached as a matter of public record to the original copy of the bill filed in the Department of Archives and History.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time at length as required by the Constitution and referred to appropriate Standing Committee as follows:

H. B. 390. To the Committee on State Government.

## BILLS ON THIRD READING RESUMED

The Bill:

S. 699. To amend Act No. 606, S. 112 of the Regular Session of 1969 (Acts 1969, p. 1110), which creates the office of Supernumerary Probate

Judge, amending Sections 1, 4 and 5 thereof, in order to change certain prerequisites for appointment to such office, by reducing the number of years of past service as a probate judge and by providing for the counting of years of service in certain other public offices as a part of the prior service which is prerequisite to appointment to such office; to regulate further the compensation payable to each such officer; and to regulate further the return to such officer of his contributions to the county when he ends his tenure of office prior to becoming a Supernumerary Probate Judge.

and pending Health and Welfare Committee amendment, which said amendment is set out at length in the Journal of the Senate for the Twentieth Legislative Day, was again taken up. The question was on the motion of Mr. Roberts that the Bill and pending amendment be re-committed.

And said motion to re-commit was then lost.

Mr. Baker moved that further consideration of the Bill, S. B. 699, and pending amendment, be postponed until the next Legislative Day.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 769. To create a Board of Trustees to manage, control, and maintain Alabama Agricultural and Mechanical University at Huntsville; to prescribe the powers, duties, authority, and compensation of the board; to provide for the appointment and prescribe the terms of office of members thereof; to divest the State Board of Education of all jurisdiction, power and authority with respect to the supervision, management and control of said university; and to provide for the transfer from said State Board of Education to the Board of Trustees of Alabama Agricultural and Mechanical University all supplies, funds, books, documents, records, and other property or effects of such University.

said Conference Report being in words and figures as follows:

#### REPORT OF CONFERENCE COMMITTEE

To the Members of the Legislature:

We, your conferees, appointed to reconcile the differences between the two houses on the Senate Substitute for House Bill 769, beg leave to report as follows:

We recommend that both houses pass the bill as amended by the Senate Substitute and that Section 14 of said bill be amended to read as follows:

"Section 14. (A) The President of Alabama Agricultural and Mechanical University, with the approval of the Board of Trustees, is hereby authorized to appoint and employ suitable persons to act as police officers to keep off intruders and prevent trespass upon and damage to the property and grounds of the University. Such persons shall be charged



with all the duties and vested with all the powers of police officers and may eject trespassers from the University buildings and grounds, and may, without warrant, arrest any person guilty of disorderly conduct or of trespass upon the property of the University, or for any public offense committed in their presence, and carry them before the nearest court or any other officer charged with the trial of such offenders, before whom, upon proper affidavit charging the offense, any person so arrested may be tried and convicted as in cases of persons brought before him on his warrant, and may, with a warrant arrest any person found upon or near the premises of the University charged with any public offense and take them before the proper officer.

(B) The police officers provided for in this section shall cooperate with, and when requested, furnish assistance to the regularly constituted authorities of the City of Huntsville and their jurisdiction and authority shall be coextensive with the corporate limits of the municipality."

SENATOR JOHN M. BAKER

SENATOR BILL G. KING

SENATOR J. RICHMOND PEARSON  
Conferees on part of the Senate

REPRESENTATIVE FRANK RIDDICK

REPRESENTATIVE HARTWELL LUTZ

REPRESENTATIVE ROBERT E.  
ALBRIGHT  
Conferees on the part of the House

And said bill as thus amended by the Report of the Committee on Conference was again read and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Baker, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 769, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 24; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Powell, Roberts, Shelby, Stewart, Wilson.

—24

*Nays:*

—0

And said Bill, H. B. 769, as thus amended by the Report of the Committee on Conference, was again read at length and passed.

Yeas 24; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Powell, Roberts, Shelby, Stewart, Wilson.

— 24

*Nays:*

— 0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Owens:

H. 1588. Relating to Tuscaloosa County; fixing the fee for issuance of a pistol permit by the sheriff and providing for the disposition and use of such fees.

With notice and proof thereto attached and herewith exhibited as follows:

#### STATE OF ALABAMA COUNTY OF TUSCALOOSA

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

Relating to Tuscaloosa County; fixing the fee for issuance of a pistol permit by the sheriff and providing for the disposition and use of such fees.

Be It Enacted by the Legislature of Alabama:

Section 1. In Tuscaloosa County the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Code of Alabama, Title 14, Section 177, shall be five dollars, which shall be collected by the sheriff and deposited in the county general fund. All proceeds from pistol permits shall be used for such purposes and in such amounts as may be determined by the county commission or other like governing body of Tuscaloosa County.

Section 2. This act shall become effective October 1, 1975.

#### PROOF OF PUBLICATION

#### STATE OF ALABAMA COUNTY OF TUSCALOOSA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Karl Elebash, who, being by me first

duly sworn, deposes and says that during the times herein mentioned he was publisher of the Graphic, a newspaper of general circulation published in Tuscaloosa County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 24, July 31, August 7, and August 14.C. all in the year 1975.

KARL ELEBASH.

Sworn to and subscribed before me August 14, 1975.

CHRISTINE T. SHAUL,  
Notary Public.

Also:

By Mr. Owens:

H. 1589. Relating to Tuscaloosa County; prescribing additional fees for certain services rendered by the county licensing commissioner; providing for the payment of such fees into the county general fund.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF TUSCALOOSA

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Tuscaloosa County; prescribing additional fees for certain services rendered by the county licensing commissioner; providing for the payment of such fees into the county general fund.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to the fees prescribed under the general law, the license commissioner of Tuscaloosa County shall charge and collect the additional following fees for certain services with the increased revenue to be deposited in the county general fund:

Issuance Fee for motor vehicle tag	\$ .25
Issuance fo	
Issuance Fee for motor vehicle tag	\$ .25
Issuance of title fee	\$ .50
Business license fee	\$ .50
Motor vehicle tag transfer fee	\$ .50
Replacement of boat license and transfer fee	\$ .75
Oyster license	\$ .75

Fish license	\$ .75
Business transfer fee	\$.50
Mailing fee for business license	\$.50

Section 2. The provisions of this act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF TUSCALOOSA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Karl Elebash, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Graphic, a newspaper of general circulation published in Tuscaloosa County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 24, July 31, August 7, and August 14.C., all in the year 1975.

KARL ELEBASH.

Sworn to and subscribed before me August 14, 1975.

CHRISTINE T. SHAUL,  
Notary Public.

Also:

By Mr. Owens:

H. 1590. To authorize and provide for the establishment of ambulance service for the sick, infirm and injured in Tuscaloosa County.

With notice and proof thereto attached and herewith exhibited as follows:

##### STATE OF ALABAMA COUNTY OF TUSCALOOSA

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

To authorize and provide for the establishment of ambulance service for the sick, infirm and injured in Tuscaloosa County.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of incorporated municipalities in Tuscaloosa County, the governing body of any public hospital in Tuscaloosa County, and the Tuscaloosa County Commission or other like governing body of the county, may, jointly or severally, establish within the county, or within any town or city in the county, an ambulance service for the benefit of the sick, infirm or injured, and may make all needful rules and regulations for control and management of such service. The above named governing bodies may jointly or severally enter into any agreement or contract with any individuals or company to provide such service, and may appropriate public funds for such purpose.

Section 2. The provisions of this Act are cumulative.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

#### STATE OF ALABAMA COUNTY OF TUSCALOOSA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Karl Elebash, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Graphic, a newspaper of general circulation published in Tuscaloosa County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 24, July 31, August 7, and August 14, all in the year 1975.

KARL ELEBASH.

Sworn to and subscribed before me August 14, 1975.

CHRISTINE T. SHAUL,  
Notary Public.

Also:

By Mr. Owens:

H. 1591. To propose an Amendment to the Constitution of Alabama for the creation in Tuscaloosa County, Alabama, of districts wherein there may be established and maintained a system for fighting fires or preventing fires, or a system for the collection and disposal of garbage and trash, after the creation of any such district has been first approved by the qualified electors residing within the proposed district; to provide for the levying and collecting of a service charge to bear the cost of fighting fires or preventing fires in any district established for that purpose; to provide for the levying and collecting of a service charge to bear the cost of collecting and disposing of garbage and trash in any district established for that purpose; to provide that such service charge shall be levied upon and collected from the persons and property to whom and to which such

services are available; to provide that any such service charge shall be a lien upon any such property; to provide for the enlargement of any such district by the addition of territory thereto; and to authorize the Legislature to provide for the issuance of bonds, to pay the cost of establishing and maintaining such systems, payable only out of the proceeds of the said service charge.

Also:

By Mr. Owens:

H. 1592. To provide in Tuscaloosa County, Alabama, for the creation, maintenance and regulation of districts for fighting or preventing fires, districts for the collection and disposal of garbage and districts for both of the aforesaid purposes; to prescribe conditions and regulations relative to the creation of such districts; to prescribe the organization, rights and powers of such districts; to prescribe limitations on such rights and powers and to repeal all conflicting statutes.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF TUSCALOOSA

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To provide in Tuscaloosa County, Alabama, for the creation, maintenance and regulation of districts for fighting or preventing fires, districts for the collection and disposal of garbage and districts for both of the afore-said purposes; to prescribe conditions and regulations relative to the creation of such districts; to prescribe the organization, rights and powers of such districts; to prescribe limitations on such rights and powers and to repeal all conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to Tuscaloosa County, Alabama, and to no other County.

Section 2. Definitions. The following words and terms as used in this Act shall have the meanings ascribed to them in this Section 2, unless a contrary meaning is apparent from the context; "the Act" shall mean this Act; "the County" shall mean Tuscaloosa County, Alabama; "district for fighting fires" shall mean a district created under the Act for establishing and maintaining a system for fighting or preventing fires; "district for garbage disposal" shall mean a district created under the Act for establishing and maintaining a system for the collection and disposal of garbage; "district for fire fighting and garbage disposal" shall mean a district created under the Act for establishing and maintaining a system for fighting and preventing fires and a system for collection and disposal of garbage.

Section 3. Any area situated entirely within the County may be established as a district for fighting fires, or a district for garbage disposal,

or a district for fighting fires and garbage disposal, in the manner hereinafter provided for; provided, however, no land lying within the boundaries of a municipality at the time a district is formed shall be included in the district.

Section 4. Upon any petition provided for in this Section 4 being filed in the office of the Probate Judge of the county, he shall order an election to be held in the proposed district on the question, or questions, on which the petition requests an election.

The petition shall be signed by at least 100 qualified electors residing within the boundaries of the proposed district.

The petition shall contain a description of the area which it is proposed be established as a district under the provisions of the Act; and the petition shall request the Probate Judge to call an election on one or more of the following questions: Shall there be created for the area a district for fighting fires? Shall there be created for the area a district for garbage disposal? Shall there be created for the area a district for fighting fires and garbage disposal?

The petition shall state the name of the proposed district. The Board of Trustees of a district may change the name of the district by filing in the office of the Probate Judge a copy of a resolution changing the name thereof, which copy shall be certified by the President of the Board of Trustees.

The petition for election on the establishment of a district may be accompanied by a petition for an election on the question of levying a proposed service charge which last named petition shall be signed by at least 100 qualified electors residing within the proposed district. A petition for an election on the establishment of a district shall be deemed to be accompanied by a petition for an election on the question of levying a proposed service charge, if the request for the election on the proposed district and the request for an election on the proposed service charge are combined in a single petition.

Section 5. When a petition for the holding of any election hereunder is filed with the Probate Judge not less than thirty days and not more than sixty days prior to some other election to be held in the territory in which an election is sought by the petition, the Probate Judge shall order the election sought by the petition to be held on the same day as such other election is held.

If the petition is not filed at such time as will permit the election sought thereby to be held at the time some other election is held, as provided for in the next foregoing sentence, the Probate Judge shall order the election sought by the petition to be held on a day not less than thirty days nor more than forty days from the date on which the Probate Judge enters said order.

The provisions of this Section 5 shall apply to all elections provided for by the Act.

Section 6. The provisions of the election laws governing the registration of voters, equipment at polling places, furnishing of supplies, appointment of election officers, voting and canvassing returns at a general election shall apply to any election held hereunder.

Section 7. The Probate Judge shall give notice of any election held under this Act by publishing for three weeks at least once a week, on the

same day of each week, in a newspaper of general circulation in the territory where said election is to be held, a notice that on the day fixed for the election the questions to be then voted on will be submitted to the electors of the said territory.

Section 8. Where an election is held on the question of the establishment of a district, the governing body of the County shall pay for the necessary expense of advertising and conducting such election out of the general funds of the County; provided, however, that if the district is established, the district shall reimburse the County for the expenses incurred by the County in respect to said election.

After a district has been established, the district shall pay the expense of any election held in the district or held in any area which it is proposed be added to the district.

Section 9. No district shall be created unless the creation thereof is approved by the majority of votes cast at the election at which the proposed creation is submitted. Upon the officers canvassing the returns of the election certifying that the creation of the district was approved by the majority of the votes cast at such election, the proposed district shall be created and shall constitute a public corporation.

Section 10. The affairs and business of the district shall be managed by a Board of Trustees consisting of five members appointed by the governing body of the County. No person shall be appointed to said Board unless he is a qualified elector of the district. Appointment shall be for a term of five years provided, however, that to stagger the terms one of the five members first appointed shall be appointed for a term of one year, one shall be appointed for a term of two years, one shall be appointed for a term of three years, one shall be appointed to for a term of four years and one shall be appointed for a term of five years.

The Board of Trustees shall elect annually from its own number a President and a Secretary. The members of the Board of Trustees shall not be entitled to any compensation for their services; but they shall be entitled to reimbursement for all expenses incurred by them in the performance of their duties.

Section 11. The district shall constitute a public corporation, which shall have the power to do any and all acts or things necessary and convenient for carrying out the purposes for which it is created including, but not limited to: To sue and be sued. To have a seal and alter the same at pleasure. To acquire, hold and dispose of property, real and personal, tangible and intangible, or interests therein and to pay therefor in cash or on credit, and to secure and procure payment of all or any part of the purchase price thereof on such terms and conditions as the board shall determine. To acquire, own, operate, maintain and improve a system or systems. To pledge all or any part of its revenues, or mortgage, or otherwise encumber, all or any part of its property for the purpose of securing the payment of the principal of and interest on any of its obligations. To sell, lease, mortgage or otherwise encumber or dispose of all or any part of its property, as hereinafter provided. To contract debts, borrow money and to issue or assume the payment of obligations. To levy and collect service charges, as herein provided in this Act, subject to the limitations prescribed in said Act. To employ agents, servants, and attorneys. To perform any and all of the foregoing acts and to do any and all of the



foregoing things under, through or by means of its own officers, agents, and employees, or by contracts with any person, federal agency or municipality.

Section 12. The expense of establishing and maintaining a district shall be paid for by the proceeds of a service charge which shall be levied and collected in an amount sufficient to pay said expense. Said service charge shall be levied upon and collected from persons and properties served by the system. Such charge shall be a personal obligation of the occupant of the property served by the system; and to secure the collection of the charge there shall be a lien against said property in favor of the district, which lien shall be enforceable by sale thereof in the same manner in which the foreclosure of a municipal assessment for public improvements is authorized.

Section 13. No service charge shall be levied unless the same has been first approved by the majority of the votes cast as an election held hereunder by the qualified electors residing within the district, or within the proposed district.

An election on the question of levying a service charge in a proposed district may be held at the same time that the election is held on the creation of the district, provided that the petition for the election on the question of the service charge accompanies the petition for the election on the establishment of the proposed district, as is provided for in Section 4, above. An election on the question of a service charge may be held upon the Board of Trustees of a district submitting to the Probate Judge a petition for such election as hereinafter provided. The Board of Trustees shall file in the office of the Probate Judge a petition that he call an election in the district on the question of whether the service charge proposed by the Trustees shall be levied.

The petition shall state specifically the charge which it is proposed shall be levied. The petition may request that an election be held on more than one proposed charge. Upon the petition being filed with the Probate Judge, he shall order an election to be held within the time provided for by Section 5, above.

Section 14. (a) A district may be enlarged in accordance with the terms of this Section 14, provided, however, that no area lying within a municipality at the time of the enlargement shall be brought within the district. (b) No area shall be brought within a district by enlargement unless the majority of the votes cast at the election provided for by subsection (c), below, approved the inclusion of the area within the district and also approve every service charge in effect within the district at the time of the election. (c) The term "proposed area", as used in this subsection (c), means an area which it is proposed be brought within a district by enlargement of the district. When the Board of Trustees of a district determines that the inclusion of a proposed area within the district would be to the advantage of the district and also to the advantage of the majority of the inhabitants of the proposed area, the Board of Trustees may file in the office of the Probate Judge a petition that there by an election in the proposed area at which there shall be submitted to the qualified electors residing within the proposed area the question of whether the proposed area shall be included within the district and also the question of whether every service charge in effect within the district at the time of the election is approved. Upon such petition being filed, the Probate Judge shall order an election to be held within the proposed area,

within the time provided for in Section 5, above, at which election the qualified electors residing within the proposed area shall vote on the two foregoing questions. Unless the majority of votes cast at the election vote in the affirmative on each of the foregoing questions, the proposed area shall not be included within the district. Upon the officers canvassing the returns of the election certifying that a majority of votes cast was in favor of the inclusion of the proposed area in the district, and that the majority of the votes cast approved every service charge in effect within the district at the time of the election the proposed area shall become a part of the district.

Section 15. Any district created hereunder may be abolished in the manner provided for in this Section 15; provided, however, that no district shall be abolished when it has any indebtedness.

Upon the petition for abolition of a district, conforming to the requirements set forth below, being filed with the probate Judge, he shall order an election on abolition of the district to be held in the district within the time provided for by Section 4, at which qualified electors residing within the district shall be entitled to vote. The petition shall be signed by at least 100 qualified electors of the district. It shall contain a recital that the district is not indebted; and it shall request the Probate Judge to order an election on whether the district shall be abolished. Upon the officers canvassing the returns of the election certifying that abolition of the district was approved by a majority of the votes cast at the election, the district shall be abolished.

Section 16. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the parts which remain.

Section 17. All laws or parts of laws, whether general, special or local, in conflict with this Act are hereby repealed.

Section 18. This Act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing the provisions of this act.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF TUSCALOOSA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Karl Elebash, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Graphic, a newspaper of general circulation published in Tuscaloosa County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 24, July 31, August 7, and August 14. C., all in the year 1975.

KARL ELEBASH.

Sworn to and subscribed before me August 14, 1975.

CHRISTINE T. SHAUL,  
Notary Public.

Also:

By Mr. Owens:

H. 1593. Relating to Tuscaloosa County; providing further for the distribution of fines and forfeitures from convictions in certain cases of traffic violations.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF TUSCALOOSA

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Tuscaloosa County; providing further for the distribution of fines and forfeitures from convictions in certain cases of traffic violations.

Be It Enacted by the Legislature of Alabama:

Section 1. One-half of all fines and forfeitures hereafter paid by persons convicted in courts of competent jurisdiction within Tuscaloosa County of violations of the rules of the road, or the laws of this state relating to or regulating traffic or the operation of motor vehicles upon the highways of this state, shall be paid into the fine and forfeiture fund of Tuscaloosa County, and the remainder shall be remitted by the proper authority to the state treasurer, who shall credit the same to the proper fund in the state treasury.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF TUSCALOOSA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Karl Elebash, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Graphic, a newspaper of general circulation published in Tuscaloosa County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 24, July 31, August 7, and August 14. C., all in the year 1975.

KARL ELEBASH.

Sworn to and subscribed before me August 14, 1975.

CHRISTINE T. SHAUL,  
Notary Public.

Also:

By Mr. Folmar:

H. 1617. To amend Section 2 of Act No. 116, H. 563, 1973 Regular Session (Acts of 1973, p. 147), entitled "Relating to Coffee County; providing for the construction, maintenance and repair of public roads, highways, bridges and ferries under the county unit system; authorizing and requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications and requiring bond; defining his authority, powers and duties and those of the county governing body in relation to the roads, bridges and ferries of Coffee County;" so as to authorize the county commissioners to be able to hire and fire the supervisor of roads.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF COFFEE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 2 of act No. 116, H. 563, 1973 Regular Session (Acts of 1973, p. 147), entitled "Relating to Coffee County; providing for the construction, maintenance and repair of public roads, highways, bridges and ferries under the county unit system; authorizing and requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications and requiring bond; defining his authority, powers and duties and those of the county governing body in relation to the roads, bridges and ferries of Coffee County;" so as to authorize the county commissioners to be able to hire and fire the supervisor of roads.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 116, H. 563, 1973 Regular Session (Acts of 1973, p. 147), is hereby amended as follows:

"Section 2. The Coffee County Commission or any succeeding county governing body performing the functions of the county governing body in said county, shall appoint and employ a county engineer, who shall be a thoroughly qualified and competent professional engineer not required to be a land surveyor, but otherwise possessing all of the qualifications as specified for county engineers under the general laws of the State of Alabama; and he shall devote his entire time and attention to the maintenance and construction of the Coffee County public roads, highways, bridges, ferries, and other county engineering projects and

shall, during his employment, reside in Coffee County, Alabama. The said county engineer shall serve at the pleasure of the Coffee County Commission. The County Commission is authorized to hire a supervisor of roads who shall serve at the Commission's pleasure.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### AFFIDAVIT OF PUBLICATION

##### STATE OF ALABAMA COFFEE COUNTY

Before me, a Notary Public in and for said State and County, personally appeared Ferrin Cox who states on oath that he is the Publisher of The Elba Clipper, a newspaper published weekly at Elba Ala., in said County and State, and that the Notice hereto attached was published in said newspaper for a period of 4 consecutive weeks on the following dates, to-wit: July 24, 1975; July 31, 1975; Aug. 7, 1975; Aug. 14, 1975.

FERRIN COX.

Sworn to and subscribed before me on this the 19 day of Aug., 1975.

JUDY S. FREE.  
Notary Public.

Also:

By Mr. Smith:

H. 1620. To provide for purging the lists of registered voters in Beat Seven in Chambers County; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, the judge of probate, and the county commission relative to the re-identification of registered voters; and providing a penalty for making a false statement in connection with re-identification.

With notice and proof thereto attached and herewith exhibited as follows:

#### LEGAL NOTICE

##### A BILL TO BE ENTITLED AN ACT

To provide for purging the lists of registered voters in Beat Seven in Chambers County; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, the judge of probate, and the county commission relative to the re-identification of registered voters; and providing a penalty for making a false statement in connection with re-identification.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of registrars of Chambers County is hereby directed to purge all lists of the qualified electors in Beat Seven of that county to the end that the names of all persons who are deceased or non-residents of said beat, or have otherwise become disqualified from voting in said beat, shall be removed from such lists, and that the name of each qualified elector in Beat Seven shall appear only on the list of qualified electors Beat Seven.

Section 2. The board of registrars shall omit and remove from the lists of qualified electors of Beat Seven the name of any person who fails to re-identify himself, in the manner herein prescribed, before the 30 day of Nov. 1975. No person whose name is removed from the list of qualified electors as herein provided shall cease permanently to be a qualified elector nor be subject to re-registration, but shall be subject only to the requirement that he re-identify himself as a duly registered elector before being listed on the list of qualified electors of the beat, and before entitled to vote.

Section 3. The board shall give at least ten days notice, by advertisement in a newspaper published in the county, of the time when, and the place in the beat where they will attend for the purpose of enabling voters to appear and re-identify themselves.

Section 4. The voter may re-identify himself by appearing in person before the board of registrars in the beat or by appearing before the judge of probate, or either of the clerks in the office of the judge of probate, or before the board of registrars in regular session, and answering such questions and submitting such proof under oath, as the board may require in order to establish the voter's identity, place of legal residence, and the fact that the voter has not become disqualified from voting in Beat Seven.

Section 5. The board of registrars shall meet on the 15 in Dec. 1975, for the purpose of purging the registration lists and the names of all persons who have failed to appear and re-identify themselves in the manner herein prescribed shall be stricken from the lists, provided, however, that said board shall not strike the name of any person, or of the spouse of any person, known by any member of said board, or made known to the said board by the written affidavit of another qualified elector, to be in active duty of any of the armed forces of the United States of America, and to be stationed, or to be living with her or his spouse, as the case may be, outside Chambers County, Alabama, during the period of time from the effective date hereof to Dec. 15, 1975.

Section 6. Any qualified elector of Beat Seven who shall have his name omitted or removed from the list of qualified electors in the beat by failure to appear and re-identify himself as herein provided shall be entitled to have his name restored to the list of qualified electors by appearing in person at the office of the board of registrars, or at the office of the judge of probate and answering such questions and submitting such proof, under oath, as the board may require to establish the voter's identity, place of legal residence, and the fact that the voter has not become disqualified from voting in the beat. Provided, however, every qualified elector must have re-identified himself at least 10 days prior to the election at which he offers to vote; provided further, however, that this act shall not be construed or applied to impair or deny the right to vote in person or by absentee ballot of any person or of the spouse of any person, now a qualified elector of said county, who is in active duty of any of the armed forces of the United States of America and stationed, and, as to the spouse,

who is living with her or his husband or wife as the case may be, outside of Chambers County, Alabama, during the period of time from the effective date hereof to December 15, 1975.

Section 7. The County Commission of Chambers County is hereby authorized, directed, and required to furnish the board of registrars with the supplies, equipment, printed forms, stationery and newspaper advertisements necessary for the re-identification of voters as herein provided.

Section 8. The questionnaire to re-identify a voter shall be in substantially the following form:

### VOTERS REIDENTIFICATION QUESTIONNAIRE

Chambers County, Alabama

Date \_\_\_\_\_ 197\_\_\_\_\_

Name \_\_\_\_\_  
                     First                                    Middle                                    Last

Legal Residence Address \_\_\_\_\_  
   Street

City or Town \_\_\_\_\_

State \_\_\_\_\_

I am a legal resident of the City of Lanett. Yes \_\_\_\_\_ No \_\_\_\_\_

Date of Birth \_\_\_\_\_ Sex \_\_\_\_\_

I now vote and I am a qualified elector in Beat Seven, Box No. \_\_\_\_\_, Chambers County, and I have not been disqualified from voting in such beat. I am not a qualified voter in any other beat nor county in the State of Alabama or in any other State in the United states.

I have resided in Precinct or Beat No. \_\_\_\_\_ for the past \_\_\_\_\_ months.

Signed \_\_\_\_\_  
   Signature of Voter

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_\_.

\_\_\_\_\_  
 Registrar—Judge of Probate

Section 9. Any person who willfully makes a false statement to the board of registrars, or any duly authorized person, in re-identifying himself as a qualified elector in the manner provided herein shall be guilty of perjury, and upon conviction thereof shall be punished by imprisonment in the penitentiary for not less than one nor more than five years.

### PROOF OF PUBLICATION

STATE OF ALABAMA  
 COUNTY OF CHAMBERS

Before me, the undersigned authority in and for said County in said State, this day personally appeared Mark T. Walls, who, being by me first

duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Valley Times News, a newspaper of general circulation published in Chambers County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 24, July 31, August 7, and August 11, all in the year 1975.

MARK T. WALLS,  
Publisher.

Sworn to and subscribed before me August 14, 1975.

BILLY V. SORRELL,  
Notary Public.

My Commission Expires July 5, 1976.

Also:

By Messrs. Holley and Folmar:

H. 1624. Relating to Coffee County, placing the probate judge, the tax assessor, the tax collector and the circuit clerk on a salary basis of compensation.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Coffee County, placing the probate judge, the tax assessor, the tax collector and the circuit clerk on a salary basis of compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. The following county officers of Coffee County shall hereby receive the following annual salaries:

Probate Judge—\$25,000.00 per year.

Tax Assessor—18,000.00 per year.

Tax Collector—18,000.00 per year.

Circuit Clerk—18,000.00 per year.

The salaries hereinabove provided shall be payable in equal monthly installments from the general fund of Coffee County and shall be paid in lieu of any salaries, expense allowances, or other compensation heretofore prescribed by law for such officers.

Section 2. The salaries herein provided shall become effective upon the first day of the month next following the adoption of a constitutional amendment authorizing the proposed salaries hereinabove provided.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.



Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### AFFIDAVIT OF PUBLICATION

##### STATE OF ALABAMA COFFEE COUNTY

Before me, a Notary Public in and for said State and County, personally appeared Ferrin Cox who states on oath that he is the Publisher of The Elba Clipper, a newspaper published weekly at Elba Ala., in said County and State, and that the Notice hereto attached was published in said newspaper for a period of 4 consecutive weeks on the following dates, to-wit: July 24, 1975; July 31, 1975; Aug. 7, 1975; Aug. 14, 1975.

FERRIN COX.

Sworn to and subscribed before me on this the 19 day of Aug. 19, 1975.

JUDY S. FREE.  
Notary Public.

Also:

By Messrs. Holley and Folmar:

H. 1625. Relating to Coffee County; further regulating the employment and compensation of certain personnel employed in the offices of the probate judge, tax assessor, tax collector and circuit clerk, and providing for the payment of the compensation of such employees from the general funds of the county.

With notice and proof thereto attached and herewith exhibited as follows:

##### STATE OF ALABAMA COUNTY OF COFFEE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

Relating to Coffee County; further regulating the employment and compensation of certain personnel employed in the offices of the probate judge, tax assessor, tax collector and circuit clerk, and providing for the payment of the compensation of such employees from the general funds of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. Except as provided in Section 2, the governing body of Coffee County is authorized and empowered to set the compensation of the clerks, typists, bookkeepers or other personnel employed in the offices of the probate judge, tax assessor, tax collector and circuit clerk of said

county. Provided, however, such compensation shall be not less than the total compensation and allowances provided for like positions on December 31, 1974.

Section 2. Salaries of employees who have over twenty years service shall not be used in determining base salary for like positions. Employees with over twenty years service shall not receive less than the total compensation an allowance provided for such position on December 31, 1974.

Section 3. The compensation of all employees provided for in Section 1 shall be paid from the general funds of the county.

Section 4. The salaries herein provided shall become effective upon the first day of the month next following the adoption of a constitutional amendment authorizing placement of the above mentioned officials on a salary basis.

Section 5. Each of the officers designated hereinabove shall not employ more personnel than were employed by them on December 31, 1974, to include two chief clerks, one for the Elba courthouse and one for the Enterprise courthouse. Upon the written request and recommendation from the probate judge, tax collector, tax assessor and circuit clerk directed to the governing body requesting and recommending that additional personnel be employed, the county governing body is authorized to employ such additional personnel and set the compensation as herein provided.

Section 6. The Coffee County Commission shall establish job classifications which take into account the type of work performed and number of years service and to give such positions titles for identification purposes. The Coffee County Commission shall provide in writing to the probate judge, tax collector, tax assessor, circuit clerk, and all county employees affected a copy of the aforementioned job classification and payroll scale.

Section 7. All county employees affected by this act shall be provided by the County Commission with all benefits that are presently being provided to other county employees.

Section 8. The Coffee County Commission is hereby authorized to assist all county employees affected by this act in entering the Employees Retirement System of Alabama if employees so desire to join. If rules and regulations of the Employees Retirement System of Alabama allow payments by employees affected by this act for past years employment or service, then the Coffee County Commission is authorized to assist employees with such back payments as may be required.

Section 9. The Coffee County Commission shall have the authority to grant leaves of absence, vacations, establish employee working hours and any and all other regulations not herein provided to implement the provisions of this act.

Section 10. It is the intent of this act that all employees provided for in this act shall be employees of the Coffee County Commission on a permanent basis other than the two chief clerks of the office holders of the offices of probate judge, tax assessor, tax collector and circuit clerk. Office holders of the offices of probate judge, tax assessor, tax collector, and circuit clerk shall make recommendations concerning their respective

offices before vacancies or new positions are filled by the Coffee County Commission.

Section 11. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 12. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### AFFIDAVIT OF PUBLICATION

##### STATE OF ALABAMA COFFEE COUNTY

Before me, a Notary Public in and for said State and County, personally appeared Ferrin Cox who states on oath that he is the Publisher of The Elba Clipper, a newspaper published weekly at Elba Ala., in said County and State, and that the Notice hereto attached was published in said newspaper for a period of 4 consecutive weeks on the following dates, to-wit: July 24, 1975; July 31, 1975; Aug. 7, 1975; Aug. 14, 1975.

FERRIN COX.

Sworn to and subscribed before me on this the 19 day of Aug. 1975.

JUDY S. FREE,  
Notary Public.

Also:

By Messrs. Campbell and Manley:

H. 118. Relating to Sumter County, authorizing the county commission to retain one-half of the fines received for violations resulting from state trooper arrests in that county, and providing such funds be credited to the county general fund.

With notice and proof thereto attached and herewith exhibited as follows:

##### STATE OF ALABAMA COUNTY OF SUMTER

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

Relating to Sumter County, authorizing the county commission to retain one-half of the fines received for violations resulting from state trooper arrests in that county, and providing such funds be credited to the county general fund.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Sumter County is hereby authorized to collect and deposit in the general fund of said county, fifty percent (50 percent) of all the monies received in payment of fines imposed

in said county which are the result of arrests made by officers of the Alabama Department of Public Safety, which arrests occur within said county.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### PROOF OF PUBLICATION

#### STATE OF ALABAMA COUNTY OF SUMTER

Before me, the undersigned authority in and for said County in said State, this day personally appeared John S. Neel, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the The Home-Record, a newspaper of general circulation published in Sumter County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on April 9, April 16, April 23, and April 30, all in the year 1975.

JOHN S. NEEL.

Sworn to and subscribed before me May 5, 1975.

SANDRA L. BONDS,  
Notary Public State of Alabama at-Large.

Also:

By Messrs. Lutz, Gregg, Smith (B), Albright, Riddick and Moore (W):

H. 1464. Proposing an amendment to the Alabama Constitution that will allow the Legislature to pass local legislation applicable to Madison County to change the method prescribed by law for giving notice to delinquent taxpayers in Madison County of their failure to pay taxes assessed against any property which is assessed to them and to further change the notice required to be given them prior to the sale for taxes of said property and to further change the method for issuing decrees for the sale of land and the trials held to determine whether such sales should be ordered and to change the method of giving notice to delinquent property owners to show cause why a decree of sale should not be rendered against them and to further change the method regarding the sale of said property and the report of the amount of taxes collected from said sale.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. B.'s 1588, 1589, 1590, 1591, 1592, 1593, 1617, 1620, 1624, 1625, 118 and 1464. To the Committee on Local Legislation No. 1.

(The above numbered Bills, H. B.'s 1591 and 1464, were read at length as required by the Constitution.)

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Callahan:

H. 1517. Relating to Mobile County; to provide further for the disposition and use of a certain portion of the funds received by Mobile County under the provisions of Act No. 2, H. 47, Regular Session 1945 (Acts 1945, p. 20), as amended, providing for an oil and gas severance tax, and to specifically repeal Act No. 29, H. 30, Second Special Session 1956 (Acts 1956, p. 299), and all other laws or parts of laws in conflict herewith.

With notice and proof thereto attached and herewith exhibited as follows:

### LEGAL NOTICE

#### STATE OF ALABAMA COUNTY OF MOBILE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

Relating to Mobile County; to provide further for the disposition and use of a certain portion of the funds received by Mobile County under the provisions of Act No. 2, H. 47, Regular Session 1945 (Acts 1945, p. 20), as amended, providing for an oil and gas severance tax, and to specifically repeal Act No. 29, H. 30, Second Special Session 1956 (Acts 1956, p. 299), and all other laws or parts of laws in conflict herewith.

Be It Enacted by the Legislature of Alabama:

Section 1. The County Commission of Mobile County is hereby authorized and directed to appropriate and pay each month fifty percent (50%) of all funds received by Mobile County under the provisions of Section 8(c) and Section 8(d) of Act No. 2, H. 47, Regular Session 1945 (Acts 1945, P. 20), as amended, providing for the levy of an oil and gas severance tax, to the Mobile County Board of Health which shall be used exclusively for general health within the county and the remaining fifty percent (50%) to the Mobile County Board of Education which shall be used exclusively for public school purposes within the county.

Section 2. Act No. 29, H. 30, Second Special Session 1956 (Acts 1956, p. 299), and all other laws or parts of laws in conflict with the provisions of this Act are hereby specifically repealed.

Section 3. This Act shall become effective on the first day of the month next following its passage and approval by the Governor or its otherwise becoming law.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF MOBILE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Joyce Butt, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was Bookkeeper of the Mobile Press Register, a newspaper of general circulation published in Mobile County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 17, 24, 31, and Aug. 7, all in the year 1975.

JOYCE BUTT.

Sworn to and subscribed before me Aug. 7, 1975.

GARY L. RICHARDSON,  
Notary Public.

Also:

By Messrs. Ford, Taylor and Brindley:

H. 1574. To name three buildings on the Gadsden State Junior College Campus.

Also:

By Messrs. Martin, Carter, Moore (W), Drake, Roberts and Cross:

H. 1426. To name a classroom building housing Technical Drafting, Watch Repair, Cosmetology, and other subjects on the campus of John C. Calhoun State Community College the Noble J. Russell Building.

Also:

By Messrs. Martin, Carter, Moore (W), Drake, Roberts and Cross:

H. 1427. To name the new classroom building at John C. Calhoun State Community College the Bob Harris Building.

Also:

By Messrs. Baker, Smith (M), Whatley and Turnham:

H. 1559. To designate and name certain buildings at the Chattahoochee Valley Community College.

Also:

By Messrs. Smith (J), Carothers, Crawford and Sasser:

H. 1311. Relating to the twentieth judicial circuit; providing for an additional circuit court judge in such circuit and prescribing the duties, authority, and compensation of such judge; establishing the family court division of such circuit; prescribing the jurisdiction of the family court division and providing for selection, appointment, qualifications, tenure,

and compensation of officers and administrative and clerical personnel; abolishing special courts having jurisdiction of juveniles and domestic relations cases.

Also:

By Messrs. Higginbotham and Turnham:

H. 1073. To authorize each municipality in this State to acquire, finance, establish, own, use, operate, manage and control parks, playgrounds, and recreational or athletic areas situated wholly or in part outside of its corporate limits; to provide the conditions upon which a park, playground, or recreational or athletic area may be used or established within the corporate limits or police jurisdiction of another municipality or within a county other than that of that in which the municipality establishing the same shall be situated; to provide that all authority heretofore and hereafter granted to municipalities with respect to parks, playgrounds, and recreational or athletic areas within the corporate limits of a municipality shall be applicable to and may be exercised by a municipality with respect to any park, playground, or recreational or athletic area located wholly or in part outside of its corporate limits; to provide that a municipality may join and cooperate with one or more other municipalities in acquiring, financing, refinancing, providing, establishing, installing, using, and managing parks, playgrounds, and recreational or athletic areas, making the same common to the use of such municipalities and in fixing and charging fees and in making rules and regulations for the conduct, management and use thereof and that all such municipalities shall jointly have the same powers and authorities conferred by the Act upon each; to provide that neither the Act nor anything herein contained shall be construed as a restriction or limitation upon any power which a municipality might otherwise have under any laws of the State and that the Act shall be construed as cumulative of any such powers; to declare conflicting laws inapplicable; to declare that the provisions of this Act are severable; and to provide the effective date of this Act.

Also:

By Messrs. Waggoner, Biddle, Gafford, White and Teague:

H. 434. To name and designate the physical education facility at The University of Alabama in Birmingham as The George C. Wallace Building.

Also:

By Messrs. Cates, Edwards, Plaster and Wyatt:

H. 1604. To amend Title 15, Section 44, Code of Alabama, to provide that in cases involving the murder, attempted murder, assassination or attempted assassination of any member of the judiciary, state or other public official, or of any law enforcement officer the governor is authorized to increase the reward for information leading to the arrest of the felon up to \$10,000.00; effective retroactively.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing

Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B. 1517. To the Committee on Local Legislation No. 1.

H. B.'s 1574, 1426, 1427, 1559 and 434. To the Committee on State Government.

H. B.'s 1311 and 1604. To the Committee on Finance and Taxation.

H. B. 1073. To the Committee on Conservation.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Sandusky, Sonnier, Callahan and Cooper:

H. 209. Relating to Judicial Circuits composed of one county and having not less than six or more than nine Circuit Judges; to provide for the appointment in said circuits of two investigators; to prescribe their authority and powers and prescribe their compensation.

Also:

By Messrs. Sandusky, Sonnier, Callahan and Cooper:

H. 203. To provide for the appointment of assistant district attorneys in the Thirteenth Judicial Circuit and for a graduated schedule of compensation for assistant district attorneys in the Thirteenth Judicial Circuit and to repeal Code of Alabama 1940, Title 13, Section 254 and all amendments thereto.

Also:

By Mr. Brindley:

H. 1463. Proposing an amendment to the Constitution of Alabama relating to the compensation of certain officers in Blount County.

Also:

By Mr. Morris:

H. 1522. Providing for an additional fee for a pistol permit or license in any county having a population of not less than 33,500 nor more than 34,000 according to the most recent federal census and providing for the disposition of the proceeds from such fees.

Also:

By Mr. Callahan:

H. 784. To apply only in Mobile County; providing for service of witness subpoenas by mail.

With notice and proof thereto attached and herewith exhibited as follows:



## ALABAMA LEGISLATURE

A BILL  
TO BE ENTITLED  
AN ACT

An Act to apply only in Mobile County providing for service of witness subpoenas by mail.

Be It Enacted by the Legislature of Alabama:

Section 1. In Mobile County, the Sheriff shall execute every order from every court in Mobile County to subpoena witnesses as provided in Section 449, Title 7, Code of Alabama, 1940 or the service may be made by first class mail as follows: It shall be the duty of the Sheriff of the county to enclose the subpoenas in an envelope addressed to the person to be served and place all necessary postage and a return address thereon. In the event said witness subpoena is returned to the Sheriff by the Post Office Department of the United States without delivery, the subpoena shall be by the Sheriff returned NOT FOUND. All witness subpoenas not returned to the Sheriff by said Post Office Department shall be considered for all purposes as sufficient personal and legal service. The provisions of this section in reference to service by mail shall not apply, however, to witness subpoenas returnable before the court instantan. Such subpoenas shall be served only as provided in Section 449 of Title 7, Code of Alabama, 1940.

Section 2. This act is cumulative.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor and upon its otherwise becoming a law.

Joyce Butt being sworn, says that she is Bookkeeper of The Mobile Press and The Mobile Register, daily newspapers printed and published in the City and County of Mobile, State of Alabama: and the attached notice appeared in the issue of The Mobile Register April 9, 16, 23.

JOYCE BUTT.

Sworn to and subscribed before me this 4 day of June 1975.

GARY L. RICHARDSON,  
Notary Public.

Also:

By Messrs. Lutz, Riddick, Albright, Gregg, Moore (W), and Smith (B):

H. 751. To authorize and empower the director of the Madison County License Department to charge and collect a fee of \$1.00 for the performance of duties relative to the recording of the transfer of ownership of motor vehicles as prescribed in Title 51, Section 706, Code of Alabama 1940, as last amended; to provide that all fees so collected shall be the property of the county and shall be paid into the general fund of the county; to repeal conflicting laws.

With notice and proof thereto attached and herewith exhibited as follows:

**STATE OF ALABAMA  
COUNTY OF MADISON**

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

**A BILL  
TO BE ENTITLED  
AN ACT**

To authorize and empower the director of the Madison County License Department to charge and collect a fee of \$1.00 for the performance of duties relative to the recording of the transfer of ownership of motor vehicles as prescribed in title 51, section 706 code of Alabama 1940, as last amended; to provide that all fees so collected shall be the property of the county and shall be paid into the general fund of the county; to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

**SECTION 1.** In Madison County, Alabama, a fee of \$1.00 shall be charged by the Director of the License Department for recording the change of ownership of an automobile or other motor vehicle, as provided by Section 706 of this Title.

**SECTION 2.** The fee shall be paid to the Director by the new owner, and the fee so collected shall be the property of Madison County and shall be paid into the County's General Fund.

**SECTION 3.** All laws or parts of laws which conflict with this Act are repealed.

**SECTION 4.** This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

**STATE OF ALABAMA  
MADISON COUNTY**

Before me, Opal H. Dilworth, a Notary Public in and for Said State and County, personally appeared Ida Mae Echols, known to me, who being by me first duly sworn, deposes and says she is Legal Advertising Manager of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on May 10, 17, 24 and 26, 1975.

**IDA MAE ECHOLS,  
Legal Advertising Manager.**

Sworn to before me this the 28 day of May, 1975.

**OPAL H. DILWORTH,  
Notary Public.**

My Commission Expires April 9, 1979.

Also:

By Messrs. Smith (B) and Lutz:

**H. 1263.** To change the Law Library tax charged in criminal cases in the General Sessions Court of Madison County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF MADISON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to wit:

A BILL  
TO BE ENTITLED  
AN ACT

To change the Law Library tax charged in criminal cases in the General Sessions Court of Madison County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. In all criminal cases instituted in the General Sessions Court of Madison County, Alabama, there shall be charged and collected by the Clerk of the Court a Law Library tax of One Dollar (\$1.00).

Section 2. On or before the 10th day of the month following the collection of said tax, the Clerk of said Court shall pay into the Law Library Fund all amounts collected in said Court as a result of this tax.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

STATE OF ALABAMA  
MADISON COUNTY

Before me, Opal H. Dilworth, a Notary Public in and for said State and County, personally appeared W. C. Lewis, known to me, who being by me first duly sworn, deposes and says he is Secretary-Treasurer of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said Newspaper on June 17, 24, July 1 and 7, 1975.

W. C. LEWIS,  
Secretary-Treasurer.

Sworn to and subscribed before me this the 16 day of July 1975.

OPAL H. DILWORTH,  
Notary Public.

My Commission Expires April 9, 1979.

Also:

By Messrs. Moore (W), Lutz, Albright, Riddick and Smith (B):

H. 1597. To provide that the Madison County Commission may employ a legislative aide to assist the Madison County Delegation to the Legislature of the State.

With notice and proof thereto attached and herewith exhibited as follows:

**STATE OF ALABAMA  
COUNTY OF MADISON**

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to wit:

**A BILL  
TO BE ENTITLED  
AN ACT**

To provide that the Madison County Commission may employ a legislative aid to assist the Madison County Delegation to the Legislature of the State

Be It Enacted by the Legislature of Alabama:

Section 1. The Madison County Commission is hereby authorized and empowered to employ a legislative aid to assist the Madison County Delegation to the Legislature in the performance of its duties.

Section 2. Said employee may be employed on a full-time or a part-time basis, as the Madison County Commission may deem feasible and appropriate.

Section 3. The Madison County Commission is authorized and empowered to make all reasonable expenditures necessary to carry out the provisions of this Act.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

**STATE OF ALABAMA  
MADISON COUNTY**

Before me, Opal H. Dilworth, a Notary Public in and for Said State and County, personally appeared Ida Mae Echols, known to me, who being by me first duly sworn, deposes and says she is Legal Advertising Manager of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on July 25, August 1, 8 and 10, 1975.

**IDA MAE ECHOLS,**  
Legal Advertising Manager.

Sworn to before me this the 13 day of August, 1975.

**OPAL H. DILWORTH,**  
Notary Public.

My Commission Expires April 9, 1979.

Also:

By Mr. Plaster:

H. 1492. To authorize the Tax Assessor and the Tax Collector of Autauga County to appoint one Chief Deputy Clerk and additional Deputy

Clerks, and to provide for the compensation of said Clerks, and to repeal Act No. 215 H. 647 approved September 30, 1959, Page 755 Volume 1 Acts of Alabama Regular Session 1959.

With notice and proof thereto attached and herewith exhibited as follows:

### LEGALS

#### A BILL TO BE ENTITLED AN ACT

To authorize the Tax Assessor and the Tax Collector of Autauga County to appoint one Chief Deputy Clerk and additional Deputy Clerks, and to provide for the compensation of said Clerks, and to repeal Act No. 215 H. 647 approved September 30, 1959, Page 755 Volume 1 Acts of Alabama Regular Session 1959.

Be It Enacted by the Legislature of Alabama:

Section 1. The Tax Assessor and the Tax Collector of Autauga County, may each appoint one Chief Deputy Clerk and additional Deputy Clerks to serve under the direction and at the pleasure of the Tax Assessor and the Tax Collector respectively. The Chief Deputy Clerks shall be paid an annual salary of not less than seven thousand two hundred dollars, (\$7,200), which salary shall be fixed and determined by the governing body of Autauga County, and shall be paid in monthly installments out of the Fine and Forfeiture Fund, the Highway and Traffic Fund, or out of the General Fund of the county upon proper claim being made. The other additional Deputy Clerks shall be paid an annual salary of not less than four thousand eight hundred dollars, (\$4,800), per year, which salary shall be fixed and determined by the governing body of Autauga County, and shall be paid in monthly installments out of the Fine and Forfeiture Fund, the Highway and Traffic Fund, or out of the General Fund of the county upon proper claim being made.

Section 2. This Act repeals and supersedes Act. No. 215 H. 647, approved September 30, 1959, page 755, Volume 1, Acts of Alabama, Regular Session 1959.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### PROOF OF PUBLICATION

#### STATE OF ALABAMA COUNTY OF AUTAUGA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Norman L. Ridenhour, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor and Publisher of the Prattville Progress, a newspaper of general circulation published in Autauga County, Alabama, and that the attached notice was published in said newspaper once a week

for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 10, July 17, July 24, and July 31, all in the year 1975.

NORMAN L. RIDENHOUR.

Sworn to and subscribed before me July 31st, 1975.

PATRICIA A. BARBER,  
Notary Public.

My Commission Expires April 9, 1979.

Also:

By Messrs. Carothers, Smith (J) and Crawford:

H. 1560. To amend Section 1 of Act No. 586, H. 1606, Regular Session 1973 (Acts 1973, p. 842) to increase the expense allowance of the clerk and the register of the circuit court of Houston County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF HOUSTON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 1 of Act No. 586, H. 1606, Regular Session 1973 (Acts 1973, p. 842) to increase the expense allowance of the clerk and the register of the circuit court of Houston County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 586, H. 1606, Regular Session 1973 (Acts 1973, p. 842) is hereby amended to read as follows:

"Section 1. The clerk of the circuit court shall be entitled to receive an expense allowance of three hundred dollars (\$300) per month and the register of the circuit shall be entitled to receive an expense allowance of two hundred dollars (\$200) per month. Said allowances shall be in addition to any and all other compensation and expenses provided for by law. Such expense allowances shall be payable in equal monthly installments out of the general fund of Houston County and shall expire and no longer be paid upon the expiration of the term of the incumbent in each of said offices."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF HOUSTON

Before me, the undersigned authority in and for said County in said State, this day personally appeared D. H. Dolson, who, being by me first

duly sworn, deposes and says that during the times herein mentioned he was Advertising Manager of the Dothan Eagle, a newspaper of general circulation published in Houston County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 4, 13, 20, and 27, all in the year 1975.

D. H. DOLSON.

Sworn to and subscribed before me June 3, 1975.

SARAH C. BOYDE,  
Notary Public.

My Commission Expires 2-8-78.

Also:

By Messrs. Greer, Hill and Coburn:

H. 1563. To extend, alter and rearrange the boundaries and corporate limits of the Town of Killen so as to annex certain adjacent territory to the Town of Killen.

With notice and proof thereto attached and herewith exhibited as follows:

#### LEGAL NOTICE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENACTED AN ACT

To extend, alter and rearrange the boundaries and corporate limits of the Town of Killen so as to annex certain adjacent territory to the Town of Killen.

Be It Enacted by the Legislature of Alabama:

SECTION 1. That the boundary lines and corporate limits of the Town of Killen be and the same are hereby extended, altered and rearranged so as to include within the corporate limits of the Town of Killen all of the following additional adjacent territory in Lauderdale County, Alabama, situated, to-wit:

TRACT 1. All of the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 20, Township 2 South, Range 9 West, Lauderdale County, Alabama, described more particularly as follows, to-wit: Begin at the Northeast corner of said Northeast  $\frac{1}{4}$  of said Southwest  $\frac{1}{4}$  and run South along the East line of said forty and along the East line of Cedar Lane Sub'd., according to the map or plat of said subdivision as same appears of record in the Probate Office of Lauderdale County, Alabama, in Plat Book 3 at Page 160, for 1320 feet to the Southeast corner of Lot 18, said Cedar Lane Sub'd.; run thence West along the present corporate limits for 1320 feet, more or less, to the Southwest corner of said forty (passing over the West line of Cedar Lane Sub'd. at 720 feet); run thence North along the present corporate limits and along the West line of said Northeast  $\frac{1}{4}$  of said Southwest  $\frac{1}{4}$  for 1320

feet to the Northwest corner of said forty; run thence leaving the existing corporate limits; run thence East for 1320 feet, more or less, to the point of beginning (passing over the West line of Cedar Lane Sub'd. 720 feet West of the point of beginning.)

SECTION 2. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### AFFIDAVIT OF PUBLICATION

#### STATE OF ALABAMA LAUDERDALE COUNTY

I, Bill Harrison, Advertising Manager of Florence Times\*Tri-Cities Daily, a daily newspaper published in Florence, Lauderdale County, Alabama and with a general circulation in Lauderdale and Colbert Counties, Alabama, and having been published and mailed under the Second Class Mailing Privileges for 52 consecutive weeks prior to the publication of the attached clipping, hereby certify that the attached clipping is a true and correct copy of: Legal Notice as published in Florence Times\*Tri-Cities Daily on the days and dates and in the amount of space as here given, as follows: April 4, 7, 14, 18, 21, 1975, Florence, Ala., April 21, 1975.

BILL HARRISON,  
Advertising Manager of Florence Times\*Tri-Cities Daily.

Sworn to before me this 21st., day of April 1975.

WALLACE E. OWEN, JR.,  
Notary Public, State at Large.

My Commission Expires December 13, 1976.

Also:

By Messrs. Jackson (F) and Smith (J):

H. 1571. Relating to Covington County; to outlaw the use of any commercial fishing nets in the public waters of said county for a period of five years from the effective date of this act; providing penalties therefor.

With notice and proof thereto attached and herewith exhibited as follows:

### LEGAL NOTICE

#### A BILL TO BE ENTITLED AN ACT

Relating to Covington County; to outlaw the use of any commercial fishing nets in the public waters of said county for a period of five years from the effective date of this act; providing penalties therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. No type of commercial fishing net shall be used in any of the public waters of Covington County for a period of five years from the effective date of this act.



Section 2. Any person who violates the provisions of this act shall, upon conviction, be deemed guilty of a misdemeanor.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### PROOF OF PUBLICATION

#### STATE OF ALABAMA COVINGTON COUNTY

Personally appeared before me, the undersigned authority James W. Lambert, Jr. Editor-Publisher of The Andalusia Star-News who being duly sworn, says that the attached Legal Notice of publication appeared in four (4) successive issues of The Andalusia Star-News, a weekly newspaper published in said county, on the following dates: July 16, 23, and 30, and August 6, 1975.

JAMES W. LAMBERT, JR.

Sworn to and subscribed before me this 11th day of August, 1975.

NINA C. KEENAN,  
Notary Public.

My Commission Expires Oct. 2, 1977.

Also:

By Messrs. Sparks and Drake:

H. 1580. Relating to Cullman County; to provide that the sheriff's department shall be authorized to employ an additional investigator and two additional deputies; to provide for their compensation and to provide an additional squad car for the sheriff's office.

With notice and proof thereto attached and herewith exhibited as follows:

### PUBLIC NOTICE

#### A BILL TO BE ENTITLED AN ACT

Relating to Cullman County; to provide that the sheriff's department shall be authorized to employ an additional investigator and two additional deputies. To provide for their compensation and to provide an additional squad car for the sheriff's office.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff's office of Cullman County shall be provided with an additional investigator and two additional deputies who shall be paid at the same rate as investigators and deputies of said office are now paid and shall be employed in the same manner that investigators and deputies are now employed. The investigator may be employed immediately on or after the effective date of this act. On of the additional deputies may be employed on or after January 1, 1976 and the other may be employed on or after July 1, 1976.

Section 2. An additional squad car shall be furnished for the use of the Cullman County Sheriff's department.

Section 3. The governing body of Cullman County is hereby authorized and empowered to use any funds available in the county treasury to carry out the purposes of this act.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not effect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA CULLMAN COUNTY

Before me Sue Evans, a Notary Public in and for said County and State, personally appeared Robert Bryan, Business Manager of The Cullman Times, a daily newspaper published in Cullman, Cullman County, Alabama, and being duly sworn, says that the notice of which the attached is a true copy, was published in said newspaper once a week for four weeks successively and being in the issues of said newspaper of the following dates, viz: July 22, 29, August 5, 12, 1975.

ROBERT BRYAN,  
Business Manager.

Sworn to and subscribed before me this 18 day of August, 1975.

SUE EVANS,  
Notary Public.

My Commission Expires August 21, 1977.

Also:

By Messrs. Sparks and Drake:

H. 1581. Relating to Cullman County; to reimburse the office of the tax collector for any monetary loss resulting in the performance of official duties from errors or mistakes, made in good faith, and upon proper certification by the state auditor, not to exceed a maximum of fifteen hundred dollars per annum; making the provisions herein retroactive to October 1, 1972.

With notice and proof thereto attached and herewith exhibited as follows:

##### STATE OF ALABAMA COUNTY OF CULLMAN

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

**A BILL  
TO BE ENTITLED  
AN ACT**

Relating to Cullman County, to reimburse the office of the tax collector for any monetary loss resulting in the performance of official duties from errors or mistakes, made in good faith, and upon proper certification by the state auditor, not to exceed a maximum of fifteen hundred dollars per annum; making the provisions herein retroactive to October 1, 1972.

Be It Enacted by the Legislature of Alabama:

Section 1. The Cullman County commission shall reimburse the office of the tax collector in the amount of any monetary loss as a consequence of any error or honest mistake, made in the performance of the duties of that office, provided the state auditor certifies that such error or mistake was made in good faith.

Section 2. The maximum aggregate annual reimbursement shall not exceed the sum of fifteen hundred dollars.

Section 3. Upon proper certification by the state auditor, as described in Section 1 hereof, any monetary loss as a consequence of any error or mistake made in good faith include acceptance by the office of the tax collector of worthless or forged checks, drafts, or other written orders for money or its equivalent.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. The operation of this Act shall be retroactive to October 1, 1972, and all actions taken and payments made pursuant thereto on and after that date are ratified and confirmed.

**PROOF OF PUBLICATION**

**THE STATE OF ALABAMA  
CULLMAN COUNTY**

Before me Sue Evans, a Notary Public in and for said County and State, personally appeared Robert Bryan, Business Manager of The Cullman Times, a daily newspaper published in Cullman, Cullman County, Alabama, and being duly sworn, says that the notice of which the attached is a true copy, was published in said newspaper once a week for four weeks successively and being in the issues of said newspaper of the following dates, viz: July 13, 20, 27, August 3, 1975.

**ROBERT BRYAN,  
Business Manager.**

Sworn to and subscribed before me this 18 day of August, 1975.

**SUE EVANS,  
Notary Public.**

My Commission Expires August 21, 1977.

Also:

By Messrs. Moore (O) and Smith (C):

H. 1585. Relating to all counties having populations of not less than 36,500 nor greater than 39,200 according to the most recent federal decennial census; to authorize branch banks in any such city or town located wholly or partly in such county having not less than 1,200 inhabitants according to the last or any subsequent federal decennial census, provided such bank shall have been in existence, operation or under construction in any such county prior to January 1, 1975; to deem authorized any such branch banks at the time established; and to ratify and confirm any action taken by such branch banks prior to passage of this bill.

Also:

By Mr. McCluskey:

H. 1587. Proposing an amendment to the Constitution of Alabama relating to compensation of certain officers of Coosa County.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. B.'s 209, 203, 1463, 1522, 784, 751, 1263, 1597, 1492, 1560, 1563, 1571, 1580, 1581, 1585 and 1587. To the Committee on Local Legislation No. 1.

(The above numbered Bills, H. B.'s 1463 and 1587, were read at length as required by the Constitution.)

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Sasser:

H. 80. To provide facilities for displaying certain aviation and other exhibits in cooperation with the Department of the Army; creating the Alabama Aviation Exhibit Commission as an agency of the State of Alabama and providing for its membership, terms, authority and duties; authorizing the issuance of revenue bonds and general obligation bonds, subject to the approval of the Governor, and providing for the retirement of such bonds; authorizing the allocation and expenditure of funds; and providing exemptions from all taxes.

Also:

By Mr. Sasser:

H. 81. To propose an amendment to the Constitution of Alabama authorizing the issuance of general obligation bonds of the State of Alabama in principal amount not exceeding (\$2,000,000.00) for the purpose

of providing and equipping permanent housing facilities for displaying certain exhibits in cooperation with the Department of the Army.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. B.'s 80 and 81. To the Committee on Finance and Taxation.

(The above numbered Bill, H. B. 81, was read at length as required by the Constitution.)

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Smith (B) and Riddick:

H. 463. To amend Sections 10 and 15 of Act No. 784, H. 316, Regular Session 1953 (Acts 1953, p. 1069) regulating the use of commercial fishing gear in the public fresh waters of this state so as to increase the penalties for the violation of this act.

Also:

By Mr. Reed:

H. 1603. Relating to counties with populations of not less than 11,500, nor more than 12,500 inhabitants, according to the most recent federal decennial census; providing for a full time and a part-time secretary, and salaries therefor, for the tax assessor of said county; and providing for a monthly expense allowance for said tax assessor.

Also:

By Messrs. Dial, Teague, Moore (O) and McCluskey:

H. 747. To propose an amendment to the Constitution of Alabama authorizing the issuance of general obligation bonds of the State of Alabama in principal amount not exceeding \$3,000,000.00 for the purpose of providing and equipping permanent housing facilities for the display of certain exhibits.

Also:

By Messrs. Dial, McCluskey, Teague and Moore (O):

H. 748. To provide facilities in Talladega County for displaying certain antique automobiles, artifacts relating to the history of the automobile and historical displays relating to the automobile racing industry; creating the Motor Sports Hall of Fame Commission as an agency of the State of Alabama and providing for its membership, terms, authority and duties; authorizing the issuance of revenue bonds and general obligation bonds, subject to the approval of the Governor, and

providing for the retirement of such bonds; authorizing the allocation and expenditure of funds; and providing exemptions from all taxes.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B. 463. To the Committee on Conservation.

H. B. 1603. To the Committee on Local Legislation No. 1.

H. B.'s 747 and 748. To the Committee on Finance and Taxation.

(The above numbered Bill, H. B. 747, was read at length as required by the Constitution.)

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 304. To amend Title 8, Section 93 (3), Code of Alabama 1940, as amended, so as to remove the prohibition against using salt licks for the purpose of capturing or killing birds or animals in the State of Alabama; to legalize the use of scaffolds for the killing of deer.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Pearson, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 304, the title of which is set out in the foregoing Message from the House, to-wit:

#### COMMITTEE AMENDMENT TO S. B. 304

Amend S. B. 304, Section 1, by striking the last sentence on line 32-34 of Section 93 (3) and inserting in lieu thereof the following sentence: It shall be legal to use scaffolds for gun deer hunting only and to use scaffolds for bow hunting of all legal game species.

Yeas 23; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flipppo, Gilmore, Givhan, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Pearson, Perry, Powell, Shelby, Stewart, Wilson.

—23

*Nays:*

—0

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Rich, Taylor, Ford and Brindley:

H. 1583. Relating to all counties having a population of 90,000 to 100,000 in the most recent Federal Decennial census: To provide for the distribution of fines in certain cases.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 1583. To the Committee on Local Legislation No. 1.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Manley, Quarles, Pegues, Sonnier, Lockett, Campbell, Weeks, Teague, Higginbotham, Baker, Whatley, Martin, Biddle, Crowe, Turnham, Falkenburg, Cross, Armstrong, Moore (O), Carter, Morris, Riddick, Edwards, Sasser, Carothers, Goodwin, Merrill, Coburn, Clark, Lee, Leonard, Johnson, Rich, Hopping, Harrison, Hilliard, Jolly, McNees, Starkey, Lutz, Greer, Taylor, Ford and Hall:

H. 843. To establish an Alabama Women's Hall of Fame; to prescribe its purposes and membership; to provide for election of members and officers and for the holding of meetings; and to appropriate funds for the use of the Board in carrying out its purposes.

Also:

By Messrs. McNees and Merrill:

H. 64. To amend Section 1 of Act No. 359, H. 150, Regular Session 1951 (Acts 1951, p. 646); to provide for the issuance of special license tags to owners of private or pleasure motor vehicles who hold citizen's band radio licenses issued by the Federal Communications Commission.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. B.'s 843 and 64. To the Committee on Finance and Taxation.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Robertson, Carothers, Greer, Crowe, Sasser, Owens, Coburn, Hill, Rich, Roberts, Taylor, Weeks, Mitchem, Morris, Brindley, Killian, Starkey, McNees, Cates, Goodwin, McCluskey, Waggoner, Smith (C), Drake, Barron, Hall, Sparks, LeFlore, Gafford, Venable, Hopping, Howard, Turnham, Johnstone, Harris, Johnson, Hines, Warren, Baker, Wyatt, Jackson (F), Edwards, Lee and Clark:

H. 500. To provide salary increases for certain state employees; and to appropriate funds therefor.

Also:

By Messrs. Merrill, Coburn, Drake, Crowe, Kinsey, Owens, Cross, Pegues, Naramore, Gafford, Mitchem, Teague, McCluskey, Moore (O), Dial, Manley, Robertson, McCulley, Cooper, Sonnier, Callahan, LeFlore, Smith (M), Boles, Rich, Ford, Carter, Sparks, Johnstone, Folmar, Carothers and Weeks:

H. 98. To appropriate revenues to the state highway department, to set priorities for the obligation of these funds, and to repeal Act No. 90, S. 66, approved May 11, 1971, entitled "An Act to make appropriations for the operation and maintenance of the State Highway Department, for payment of the principal of and interest on bonds heretofore or hereafter issued for public highway and bridge purposes by the State, Alabama Highway Authority or Alabama Highway Finance Corporation, for salaries, other expenses, equipment purchases, automotive equipment purchases, and for the construction and maintenance of public highways and bridges in the State, which are a part of the State Highway System; and to make conditional allocations to Cities and Counties for construction, reconstruction, and improvement of public roads and bridges."

Also:

By Mr. Merrill:

H. 1183. "To authorize the State Industrial Development Authority to sell and issue from time to time its bonds not exceeding \$3,000,000 in principal amount in addition to those heretofore authorized to be issued by it; to prescribe certain additional powers and duties of the Authority, including the power to make grants from the proceeds of the said additional bonds to counties, municipalities, and local industrial development boards, subject to certain limitations for the purposes of making certain local surveys incidental to industrial development and to grade and drain industrial sites and the means of access thereto; to provide that the Authority may issue and sell such bonds for the purpose of making the said grants; to provide that such bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, shall be legal for investment of fiduciary funds and funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund, and shall not create an obligation or debt of the state; to provide



that all bonds issued by the Authority may thereafter be refunded by the issuance of refunding bonds; to provide for the deposit, investment and disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds from the special tax levied by Act No. 654 adopted at the 1965 Regular Session of the Legislature of Alabama, as amended, to the extent necessary to pay the principal of and interest on bonds of the Authority; to authorize the Authority to pledge the funds so appropriated for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from the funds so appropriated; and to provide that the State Treasurer shall be the custodian of the funds of the Authority."

Also:

By Mr. Merrill:

H. 1184. To amend further Section 3 of Act No. 654 adopted at the 1965 Regular Session of the Legislature of Alabama, as heretofore amended, so as to reallocate the revenues derived from the tax authorized by the said Act and to appropriate so much of the said revenues as may be necessary for the retirement of additional bonds of the State Industrial Development Authority not exceeding \$3,000,000 in aggregate principal amount.

Also:

By Messrs. Owens, Manley and McCorquodale:

H. 252. To amend Section 343 of Title 55, Code of Alabama 1940, Recompiled 1958, as amended, to provide for an increase in the awarding authority of the State Board of Adjustment.

Also:

By Messrs. Crowe, Callahan, Owens, Morris, Biddle, Jolly, Cooper, Pegues, Johnson, Robertson, Riddick, Manley, Higginbotham, Holmes, Lewis, Hines and Smith (J):

H. 444. To require a notification procedure for the issuance by counties, cities, towns, municipalities and public corporations of industrial revenue bonds under Act No. 178 enacted at the 1961 Extra Session of the Alabama Legislature (1961 Acts, p. 2147, et seq.) as amended (relating to industrial revenue bonds to be issued by counties), Act No. 756, enacted at the 1951 Regular Session of the Alabama Legislature (1951 Acts, p. 1307, et seq.) as amended (relating to industrial revenue bonds to be issued by municipalities), Act No. 648, enacted at the 1949 Regular Session of the Alabama Legislature (1949 Acts, p. 991, et seq.) as amended (relating to industrial revenue bonds to be issued by industrial development boards), Act No. 516, enacted at the 1955 Regular Session of the Alabama Legislature (1955 Acts, p. 1160, et seq.) as amended (relating to industrial revenue bonds to be issued by medical clinic boards), Act No. 4, enacted at the 1956 Second Special Session of the Alabama Legislature (1956 Acts, p. 240, et seq.) as amended (relating to industrial revenue bonds to be issued by certain municipalities to finance hotel and motel projects), Act No. 337 enacted at the 1971 Third Extra Session of the Alabama Legislature (1971 Acts, p. 4625, et seq.) (relating to industrial revenue bonds to be issued by certain municipalities to finance hotel and motel projects), to provide, in addition to their present functions and duties, the functions and duties of the Alabama Securities Commission and its Director established under

Act No. 740 enacted at the 1969 Regular Session of the Alabama Legislature, (Acts of 1969, p. 1316, et seq.) with respect to such industrial revenue bonds, to establish and provide for the membership, functions and duties of the State Industrial Revenue Bond Advisory Council; to authorize the issuance of stop orders by the Alabama Securities Commission and/or the Director delaying or prohibiting the issuance of industrial revenue bonds; to provide for certificates of notification by the Director, the effect of such certificate, and a remedy for failure or refusal of the Director to issue such certificate; to provide for the assessment of filing and registration fees by the Securities Commission; to provide civil and criminal penalties for violations of this act or stop orders issued thereunder; and to provide relief from stop orders of the Director by readoption by the governing body of the issuer of the authorizing proceedings or by judicial validation under Title 7, Section 169, et seq., Alabama Code of 1940, as amended (relating to the judicial validation of securities issued by counties, cities and towns) and Act No. 859 of the 1953 Regular Session of the Alabama Legislature (Acts of 1953, p. 1148, et seq.) (relating to the judicial validation of securities issued by boards and public corporations) and as supplemented in this act for proceedings hereunder, and relief from stop orders of the Commission by such judicial validation.

Also:

By Messrs. Manley, Mitchem, Kelley, Crowe, Teague, Biddle, Morris, Sonnier, Gafford, Owens, Goodwin, Sparks, Brindley, Hall, Cates, Sandusky, Cross, Smith (M), Lutz, Clark, Kennedy, Killian, Johnstone, Malone, Roberts, Martin, Naramore, Moore (W), Carter, Smith (B), Albright, Starkey, Warren, Sasser, Holley, Coburn, Falkenburg, White, Moore (O), Andrews, Trammell, Robertson, Riddick, McCorquodale, McCulley, Callahan, McMillan, Kinsey, Folmar, Venable, Smith (C), Carothers, Williams, Crawford, Baker, Jackson (F), Wyatt, Higginbotham, Plaster, Weeks, Rich, Taylor, Gregg, Whatley, Lee, Boles, Greer and Armstrong:

H. 1450. To provide for the attendance of witnesses from outside the State in criminal proceedings and to provide for the summoning of such witnesses and the arrest and service of process; and to provide for the repeal of all laws in conflict; and to provide an effective date.

Also:

By Messrs. Sasser and Folmar:

H. 1230. To name the bridge across the Pea River on County Road 77 between Pike and Barbour Counties the Samuel Kirke Adams Bridge.

Also:

By Messrs. Pegues, Manley, Harris, Venable, Campbell, Edwards, Ford, Dial, Higginbotham, Smith (B), Owens, Sasser, Malone, McCulley, Hines, Lockett, Carothers, Quarles, Clark, LeFlore and Sandusky:

H. 1493. To name the new Cahaba River Bridge in Perry County the Walter C. Givhan Bridge.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B.'s 500, 98, 1183, 1184, 252 and 444. To the Committee on Finance and Taxation.

H. B. 1450. To the Committee on Judiciary.

H. B.'s 1230 and 1493. To the Committee on State Government.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 163. To provide for the enforcement of rules and regulations promulgated by the Commissioner of Insurance, as provided for in Section 28 of Act 407, Acts of Alabama, 1971, codified into Section 28, Title 28A, Code of Alabama 1940 (recompiled 1958).

Also:

S. 165. To amend Section 149 of Act 407, Acts of Alabama 1971 codified into Section 149, Title 28A, Code of Alabama 1940 (recompiled 1958) by reducing the time required to be run before action can be taken against violators violating the provisions of the Insurance Code pertaining to property and casualty agents.

Also:

S. 166. To allow the Commissioner of Insurance to place an insurance company under an order of supervision; setting forth certain prohibited acts while under supervision.

Also:

S. 167. To amend Section 525(6) of Act No. 407, Acts of Alabama 1971 which excepted all insurance companies licensed in Alabama prior to 1972 from the provision of Section 525 above which required the home office, records, and assets of domestic companies to remain in Alabama.

Also:

S. 168. To amend Sections 201(2) (a) (c) (e) of Act No. 407, Acts of Alabama, 1971, which sets up standards of eligible surplus lines insurers so as to update and strengthen existing laws by raising capital requirements of authorized surplus lines insurers to \$1,500,000.00; to stop unfair discrimination in doing business with qualified surplus lines insurers; to foreclose operation in such a manner as to avoid payment of surplus lines tax.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Owens:

H. J. R. 253. A JOINT LEGISLATIVE COMMITTEE TO STUDY THE FEASIBILITY OF A STATE-WIDE GROUP COMPRISED OF STATE EMPLOYEES AND EDUCATORS FOR HOSPITAL-MEDICAL INSURANCE.

WHEREAS, the State of Alabama currently appropriates a large sum of money for hospital-medical insurance benefits for state employees and educators, and,

WHEREAS, it may be more economical to form a single group and provide similar or better hospital-medical insurance benefits; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that a Joint Legislative Committee consisting of four House members appointed by the Speaker of the House and four members of the Senate appointed by the President of the Senate shall study the feasibility of establishing a group consisting of state employees and educators for the purpose of purchasing hospital-medical insurance program(s) for the members of the group.

BE IT FURTHER RESOLVED, that this committee will be paid per diem salary and expenses as in a session of the legislature and may employ such clerical and technical assistants as they deem necessary.

BE IT FURTHER RESOLVED, that this committee shall report by the first legislative day of the 1976 Regular Legislative Session.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The Resolution, H. J. R. 253, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Holmes:

H. J. R. 240. CREATING A SELECT COMMITTEE TO PROVIDE FUNDING FOR THE PRISON SYSTEM.

WHEREAS there is a vital need in the State Prison System for additional funds to alleviate overcrowding and other inhumane conditions in the prisons; and

WHEREAS Judge William B. Hand of the Southern District of the United States District court has ordered that these conditions be improved immediately; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a select committee shall be created, to be composed of four members of the House to be appointed by the Speaker and three members of the Senate to be appointed by the President. It shall be the duty of the committee to look into the Ways and Means of funding the prison system and to make recommendations to the legislature for improving prison conditions in accordance with Judge Hand's mandate. The committee shall make recommendations to the Legislature by the 28th legislative day.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H. J. R. 240, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### RESOLUTION

Mr. Perry offered the following Senate Joint Resolution, to-wit:

S. J. R. 102. CREATING THE STATE FORT AND HISTORIC TRAIL COUNCIL.

WHEREAS many of America's leading historic forts, battle sites, roads, and trails are located within the State of Alabama; and

WHEREAS several of Alabama's Indian trade and treaty and military transportation landmarks are National Historic Landmarks and numerous others are recorded in the National Register of Historic Landmarks; and

WHEREAS historic forts and landmark roads are tourist meccas with scenic and recreational appeal to Alabama adults and our youth as well as hundreds of thousands of visitors from out of state; and

WHEREAS much is yet to be done by both the public and private sectors to register, excavate, restore, preserve, and develop these significant landmarks.

NOW THEREFORE BE IT RESOLVED create the State Fort and Historic Trail Council, to work with the Alabama Historical Commission to preserve military and trade forts, battlefields, roads, trails, traces, including their scenic, natural and recreational elements.

The Council shall be composed of thirteen members who shall be selected to serve for four (4) year terms. The Governor of the State of Alabama, the Lieutenant Governor of the State, and the Speaker of the Alabama House of Representatives shall each name a member. Organizations who shall nominate members to the Council and notify the Historical Commission are the Alabama Travel Council, the Alabama Conservancy, the Chickasaw National Historical Society, Alabama Campers Association, and the Creek Indian Nation of Alabama. Two members shall be selected by the Alabama Historical Commission from the state-at-large. The ranking National Park Service and the chief

administrator of the U. S. Forest Service in Alabama or his designee and the Executive Director of the Alabama Historical Commission or his designee shall serve as ex-officio members of the Council.

The Council shall meet as a body no more than twice a year and shall counsel the State of Alabama regarding the development of the state's historic forts, roads and trails and natural landmarks.

Which was read and referred to the Standing Committee on Rules.

#### FURTHER CONSIDERATION OF S. B. 699

The Senate proceeded to further consideration of the Bill, S. B. 699. The question was on the motion of Mr. Baker to postpone further consideration of the Bill until the next Legislative Day.

#### MOTION TO ADJOURN LOST

At 6:20 P.M., Mr. Little moved that the Senate adjourn until Thursday, September 4, 1975, at 10 o'clock A.M. Mr. Fine offered a substitute motion that the Senate adjourn until Thursday, at 7 o'clock A.M., which motion was lost.

The question was then on the motion of Mr. Little that the Senate adjourn until Thursday, September 4, 1975, at 10 o'clock A.M., and said motion was lost.

#### FURTHER CONSIDERATION OF S. B. 699

The Senate proceeded to further consideration of the Bill, S. B. 699. The question was on the motion of Mr. Baker to postpone further consideration of the Bill until the next Legislative Day.

#### ADJOURNMENT

At 6:50 P.M., Mr. Fine moved that the Senate adjourn until Thursday, September 4, 1975, at 10 o'clock A.M. Mr. Bank offered a substitute motion that the Senate adjourn until Thursday, at 7:30 A.M., which motion was adopted, and at 6:52 P.M., pending further consideration of S. B. 699, the Senate adjourned until Thursday, September 4, 1975, at 7:30 P.M.

## TWENTY-SEVENTH LEGISLATIVE DAY

THURSDAY, SEPTEMBER 4, 1975

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

## PRAYER

The Session was opened with prayer by Mr. Kenneth Alford, pre-ministerial student, Troy State University.

## ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

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## JOURNAL

On motion of Mr. Fine, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-sixth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

E. C. FOSHEE,  
Chairman.

## COMMITTEE REPORT

On motion of Mr. Foshee, the foregoing report was concurred in and the Journal of the Senate for the Twenty-sixth Legislative Day was approved by the Senate.

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 163. To provide for the enforcement of rules and regulations promulgated by the Commissioner of Insurance, as provided for in Section

28 of Act 407, Acts of Alabama, 1971, codified into Section 28, Title 28A, Code of Alabama 1940 (recompiled 1958).

Also:

S. 165. To amend Section 149 of Act 407, Acts of Alabama 1971 codified into Section 149, Title 28A, Code of Alabama 1940 (recompiled 1958) by reducing the time required to be run before action can be taken against violators violating the provisions of the Insurance Code pertaining to property and casualty agents.

Also:

S. 166. To allow the Commissioner of Insurance to place an insurance company under an order of supervision; setting forth certain prohibited acts while under supervision.

Also:

S. 167. To amend Section 525(6) of Act No. 407, Acts of Alabama 1971 which excepted all insurance companies licensed in Alabama prior to 1972 from the provision of Section 525 above which required the home office, records, and assets of domestic companies to remain in Alabama.

Also:

S. 168. To amend Sections 201(2) (a) (c) (e) of Act No. 407, Acts of Alabama, 1971, which sets up standards of eligible surplus lines insurers so as to update and strengthen existing laws by raising capital requirements of authorized surplus lines insurers to \$1,500,000.00; to stop unfair discrimination in doing business with qualified surplus lines insurers; to foreclose operation in such a manner as to avoid payment of surplus lines tax.

Also:

S. 304. To amend Title 8, Section 93 (3), Code of Alabama 1940, as amended, so as to remove the prohibition against using salt licks for the purpose of capturing or killing birds or animals in the State of Alabama; to legalize the use of scaffolds for the killing of deer.

E. C. FOSHEE,  
Chairman.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

### REPORTS OF COMMITTEES

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:



By Messrs. McDonald (S), Flippo, McDonald (A) and King (With Substitute):

S. 661. To provide for a retirement system for the sheriffs of the several counties within the State; to prescribe qualifications for the participants in such system; to prescribe regulations and procedures for participation in such system and to repeal conflicting statutes.

By Mr. St. John (With Substitute):

S. 883. To provide for immunity for political subdivisions for personal injury, death or damages to property by reason of acts committed or omitted in the exercise of governmental functions, and defining political subdivisions.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Edwards:

S. 966. To amend Act No. 1407, S. 414, Regular Session 1971 (Acts 1971, p. 2378), Alabama's Controlled Substances Act so as to provide certain penalties for first time offenders and life imprisonment for certain repeat offenders under said Act.

By Mr. Johnstone, et al:

H. 225. To amend Section 2-316 of Act No. 549, S. 2, Regular Session 1965 (Acts 1965, p. 811) (now appearing in Title 7 A, in the supplement to Code of Alabama, recompiled 1958), which is the Alabama Uniform Commercial Code, and which Section 2-316 concerns the exclusion or modification of the implied warranties of merchantability or fitness for a particular purpose to circumscribe the limitation or exclusion of the implied warranty of merchantability or fitness for a particular purpose in the sale or lease of new consumer goods.

By Mr. Perloff:

S. 715. To regulate and limit the exposure to civil damage liability of certain persons involved in the design, construction or sale of dwelling houses; repealing Act No. 788, H. 899, 1969 Regular Session (Acts of 1969, p. 1418) and other conflicting statutes.

By Messrs. Pearson, McMillan, Clemon and McDonald (S):

S. 1005. To indemnify the Director of the Department of Youth Services, members of the Board of the Department of Youth Services, other officers, employees and agents of the Department of Youth Services and juvenile probation officers, for acts arising out of and performed in connection with their official duties in behalf of the State of Alabama.

By Mr. Pegues:

H. 87. To authorize and empower Recorders of municipalities of less than 300,000, according to the last or any subsequent federal census, to suspend sentences and grant probation to persons convicted of violating municipal ordinances; to authorize investigations; to authorize imposition of terms and conditions or probation; to authorize revocation of probation and re-arrest of defendants; to provide for the discharge of persons

complying with the terms and conditions of probation; to require Recorders to file monthly reports with the governing body; and to preserve the pardon and parole power of the mayor.

By Mr. McMillan:

S. 1082. To amend Section 1 of Act No. 58, S. 13, 2nd Special Session, 1975 (approved March 10, 1975) to provide credit toward service of inmate's sentence for any days spent in custody in connection with the offense for which the sentence was imposed.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Jones (With Amendment):

S. 414. To require the granting, under certain circumstances, of either overtime pay or compensatory leave to law enforcement officers in the service of the state, county, municipality, or any agency thereof.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McDonald (A):

S. 1008. To prohibit county officials from awarding public contracts and certain other employment contracts to certain relatives, and providing misdemeanor punishment therefor.

By Mr. Baker:

S. 278. Relating to the 38th Judicial Circuit; to provide for additional Circuit Judge in such Circuit: defining his jurisdiction, powers, right and authority; his qualifications and duties; to set his compensation and providing for the appointment of a bailiff and court reporter.

By Messrs. Little and Torbert:

S. 864. To amend further Section 388, Title 14, Code of Alabama 1940, relating to the duties of the state toxicologist so as to allow him to microfilm records in lieu of maintaining original reports as currently required.

By Mr. Edwards:

S. 1010. To amend Sections 706 and 709 of Title 51, Code of Alabama 1940, and Act No. 35, Acts of Alabama, Regular Session, 1945, in order to provide for the report of change of ownership of a previously licensed motor vehicle and for the record of transfer of a motor vehicle license plate to be made to the Probate Judge of the County where the owner resides; to exempt licensed motor vehicle dealers from filing such reports of change of ownership for vehicles held for sale; to provide procedures to be followed in making such reports and records; and to increase the fee charged by the Probate Judge for recording the change of ownership of a motor vehicle to one dollar (\$1.00).

By Mr. McMillan:

S. 910. Proposing an amendment to the Constitution of Alabama to provide for and submit to the qualified electors of the State of Alabama the question of whether the Legislature shall be authorized by law to dispense with the necessity for grand jury indictment in certain cases and to authorize prosecution in certain cases on information.

The above Bill was read a second time at length as required by the Constitution.

Mr. King, Chairman of the Standing Committee on Constitution and Elections, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Lee, et al (With Amendment):

H. 113. To provide for and regulate absentee voting in primary, general, special and municipal elections; prescribing penalties for violations of the Act; repealing conflicting laws and specifically repealing Act No. 424, H. 351, Regular Session 1949 (Acts 1949, page 601) and all acts amendatory and supplemental thereto.

Mr. King, Chairman of the Standing Committee on Constitution and Elections, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. St. John, Ellis and Pearson:

S. 43. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, to be numbered Article XI thereof, relating to public officers; to supersede the following provisions of the Constitution of Alabama of 1901, as amended: Sections 60, 96, 104 (24), 130, 279, 280 and 281 and Amendments No. 2, 4, 26A, 28, 43, 44, 46, 47, 48, 50, 62, 64, 85, 88, 92, 103, 127, 134, 135, 136, 137, 138, 139, 185, 196, 215, 229, 231, 246, 241, 249, 265, 290, 297, 306, 321 and 326; and to repeal all conflicting provisions of said constitution and amendments thereto.

The above Bill was read a second time at length as required by the Constitution.

By Messrs. King and Stewart:

S. 54. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to impeachments; to repeal and supersede Article VII and all other conflicting provisions of said constitution, as amended.

The above Bill was read a second time at length as required by the Constitution.

By Messrs. King and Stewart:

S. 64. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to local government and home rule; amending and superseding specifically

Sections 38, 39, 40, 41, 89, 220 and 228 and Amendments No. 81, 132, 140, 142, 144 and 184 of the Constitution of Alabama of 1901, as amended; and repealing and superseding all other conflicting provisions of said constitution and amendments thereto.

The above Bill was read a second time at length as required by the Constitution.

By Messrs. King, Mitchell and Stewart:

S. 1029. Relating to the registration of electors and voters; prescribing procedures and qualifications therefor; providing for time off from employment to vote; regulating further the meetings of the boards of registrars; providing for a method of registering in the probate office; providing for deputy registrars; prescribing duties of the secretary of state respecting registration materials; providing for the preparation and maintenance of registration lists; providing for and regulating absentee voting; and for such purposes amending Code of Alabama 1940, Title 17, Sections 12, 14, 15, 16, 29, 35, 37, 38, 40, 43, and 53 and repealing Sections 13, 17, 18, 19, 20, 25, 26, 27, 28, 30, 31, 32, 33, 41, 44, 45, 46, 47, 48, 49, 50, 51, 52, and 54, and repealing Act No. 585 of the 1949 Regular Session, Act No. 577 of the 1959 Regular Session, Act No. 346 of the 1945 Regular Session, Act No. 92 of the 1961 Regular Session, Act No. 529 of the 1957 Regular Session, certain sections of Act No. 750 of the 1951 Regular Session, Act No. 604 of the 1969 Regular Session, Act No. 2426 of the 1971 Regular Session, Act No. 424 of the 1949 Regular Session, Act No. 174 of the 1961 Special Session, Act No. 183 of the 1964 Special Session, and Act No. 795 of the 1965 Regular Session, and amending Act No. 586 of the 1959 Regular Session, Act No. 253 of the 1964 Special Session, Act No. 6 of the 4th Special Session of 1950, Act No. 266 of the 1949 Regular Session, and Section 7 of Act No. 750 of the 1951 Regular Session.

Mr. Bank, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Gilmore:

S. 509. To amend Section 501 of The Alabama Uniform Controlled Substances Act, Act No. 1407, Regular Session, approved September 16, 1971.

Mr. Bank, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. McMillan (With Amendment):

S. 1006. To provide for a state board of examiners of medical laboratory personnel which shall regulate and license said personnel; to define progressive categories of medical laboratory personnel; to repeal Sections 151-167, Title 46, Code of Alabama, 1940; and providing for offenses and penalties.

Mr. Bank, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the

following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Shelby and Bank:

S. 1097. To amend Sections 6, 15, 16, 17 and 18 of Act No. 183 enacted at the 1975 Third Special Session of the Legislature of Alabama so as to make different provision for the first term of office of any directors of any hospital authority organized under said Act who are elected by the Central Labor Council; so as to delete the reference in said Act to the University of Alabama; so as to prohibit any employee of any such hospital authority or any hospital or other institution operated by it and any employee of certain other hospital or health care institutions from being a director of any such hospital authority; so as to provide, with respect to governmental immunity, that such hospital authorities may be sued in civil actions ex delicto to the same extent as county hospital boards organized under Act No. 46 (1949 Regular Session), as amended; so as to revise the provisions of said Act relating to the applicability of the rules and regulations of the State Ethics Commission and to provide that the provisions of Act No. 130 (1975 Regular Session) shall apply to the members of the Board of Directors of any such hospital authority to the same extent as to the boards or other similar governing bodies of similar local agencies whose members are elected or appointed by county or municipal governing bodies rather than by the electorate; so as to delete the requirement that all purchases, sales and contracts of such hospital authorities be administered in full compliance with Chapters 22 to 24, inclusive of Title 55 of the Code of Alabama of 1940, and to provide, in lieu thereof, that the provisions of Act No. 217 (1967 Regular Session), as amended, shall apply to such hospital authorities to the same extent as to other local governmental agencies specifically mentioned therein and that the provisions of Act No. 314 (1969 Regular Session) relating to insurance on public building contracts or public construction contracts shall be applicable to all such hospital authorities; and so as to revise the provisions of said Act requiring the publication of annual financial statements.

By Messrs. Campbell and Manley:

H. 1125. Relating to public health; further amending Section 1 of Act No. 211, S. 107, Regular Session 1945 (General Acts 1945, p. 330), as amended, (now appearing in Code of Alabama, Recompiled 1958, Title 22, Section 204 (3) ) so as to include nursing homes and extended care facilities within the definition of the term, hospital, as such term is used in the law providing for State Board of Health Hospitals and the State master plan of hospitals.

Mr. Mims, Chairman of the Standing Committee on Agriculture, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Mitchem, et al:

H. 125. To prohibit state government, any of its political subdivisions or any agencies thereof from purchasing, with public funds, any beef that is not produced within the United States.

By Mr. Mitchem, et al:

H. 367. To repeal Article 27 (Sections 438 through 449) of Chapter 1 of Title 2 of the Code of Alabama of 1940, which regulates the sale of paint by prescribing certain requirements under which paint is sold or offered for sale within this State.

By Messrs. Mims and Torbert:

S. 984. To amend Sections 188 and 195 of Title 2 of the Code of Alabama, 1940; repeal Section 199 of Title 2 of the Code of Alabama of 1940, each relating to the sale of milk and cream in Alabama in order that modern and more efficient testing devices may be used for ascertaining butterfat content in milk and cream; and, to delete obsolete portions of such Sections no longer applicable to present day methods for the testing and sale of milk, cream and other dairy products.

By Mr. Mims:

S. 1043. Relating to the sale of agricultural liming materials; to regulate the manufacture, sale and distribution of agricultural lime or liming materials by requiring such manufacturers, distributors or sellers thereof to obtain an annual permit from the Commissioner of Agriculture and Industries, prescribing the fee therefor; requiring such product to be labeled; prescribing the powers, duties and authority of the Commissioner of Agriculture and Industries and the State Board of Agriculture and Industries for the administration and enforcement of this Act; to levy an inspection fee upon agricultural liming materials based upon the sale thereof; providing for the assessment and payment of monetary penalties where agricultural liming materials are deficient pursuant to standards or requirements as fixed by the State Board of Agriculture and Industries; other administrative and enforcement provisions including a penalty for violations of this Act; to repeal Article 22 of Chapter 1 of Title 2 of the Code of Alabama of 1940.

By Messrs. Noonan and Mims:

S. 1106. To Amend Code of Alabama 1940, Title 2, Section 606, as amended, so as to allow the sale of milk in three quart containers.

Mr. Gilmore, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Ellis, Vacca, Gilmore, McMillan, Wilson and Pearson (With Substitute) (With Amendment)

S. 855. To authorize and provide for the incorporation in any county having a population of not less than 600,000, according to the last or any subsequent federal decennial census, of public corporations for the purpose of promoting the industrial development of the county and municipalities therein and particularly the development and commercial use of the inland waterways in such counties through the acquisition and preparation of suitable wharves, docks, warehouses, and other port and related facilities; to provide for the election and compensation of directors of any such authority; to provide for the powers, authorities and duties of any such authority and its board of directors; specifically to authorize any such authority to acquire, construct, operate, improve and finance wharves,

docks, warehouses, and other port and related facilities, and specifically to apply to the United States Foreign Trade Zones Board for permission to establish, operate and maintain a foreign trade zone and, if such permission is granted, then to establish, operate and maintain such a foreign trade zone; to confer on such authority the power of eminent domain; to provide for the issuance by any such authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of the revenues of any facilities or other property of such authority, without regard to the facilities or property with respect to which such securities may have been issued; to provide that such securities shall constitute negotiable instruments; to regulate and provide further for the issuance of, security for (including the pledge of certain revenues and properties to the payment thereof), and use of the proceeds of such securities; to provide for refunding of such securities; to provide that such securities issued and contracts entered into by any such authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to provide that any county, municipality, other political subdivision, public corporation, agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any port facilities or other property to any such authority; to exempt the property and income of any such authority, all securities issued by such authority and the income from such securities, and all conveyances, leases, mortgages and deeds of trust to which such authority is a party, from all taxation in the state, including license and excise taxes, levied by any county, municipality, or political subdivision of the state; to exempt such authority from payment of certain charges to judges of probate; to exempt every authority from certain tort liability; and to provide that certain employees of such authority shall be subject to and covered by any merit or civil service system applicable to the employees of the county and municipality by which the incorporation of the authority was authorized if there is such a system applicable to the employees of both the city and county, and, if there is no such system, then to either the county or municipal system, which the authority selects; and to provide for the dissolution of any such authority and the disposition of its property.

Mr. Gilmore, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. McMillan, Vacca, Clemon, Pearson and Ellis (with notice and proof):

S. 1038. To amend the title and Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 21 and 24A and to strike Sections 17, 18, 19 and 20 of Act No. 96, H. 490, Regular Session 1965 (Acts 1965, p. 1974) which relates to the establishment of an inferior court in Jefferson County known as the Civil Court of Jefferson County.

By Messrs. Ellis, Pearson, Gilmore, McMillan, Wilson, Vacca and Clemon:

S. 1068. To amend Section 68 of Title 52 of the 1940 Code of Alabama relating to compensation of members of the County Board of Education and to fix the compensation of members of the County Board of

Education in all counties having a population of 600,000 persons or more according to the last or any succeeding federal census.

By Messrs. Pearson, Vacca, Ellis, Clemon, Gilmore and McMillan:

S. 1112. To authorize and provide for the incorporation in each city in the state having a population of 250,000 or more according to the last or any subsequent federal census of one or more public corporations for the purpose of providing products markets, exhibition halls, coliseums and buildings and related structures for the display of products or the conduct of exhibitions, contests and sporting events in order to encourage the industrial, economic and commercial development of such cities, the counties in which they are located, and the state, and to promote interests in sports, and amusements; to provide for the election or appointment of directors and officers of such corporation: to specify the powers of such corporation, including the exercise of the power of eminent domain: to empower such corporation to enter into management contracts and other agreements with private entities for management of any project developed by it; to empower the municipality in which such corporation is organized to enter into a lease agreement with such corporation for lease by such municipality of any project developed by the corporation for a term of up to thirty years; to empower the municipality in which such corporation is organized, as well as any other municipality in the same county as such municipality, as well as the county itself to make capital investments in such corporation; to authorize the county in which such corporation is organized, any public corporation formed with its consent or approval, any public corporation formed with the consent or approval of such municipality, any other municipality located in such county, any public corporation formed with its consent or approval and the State of Alabama or any of its corporate agencies to enter into leases for use by them of any project developed by such corporation; to provide certain terms and conditions for such leases; to authorize the donation of property by such municipality, the county in which the same is located, any other municipality in such county, or the state to such corporation; to authorize the appropriations of funds by such municipality, the county in which the same is located, any other municipality in such county, or the State of Alabama to or for the benefit of such corporation; to authorize the sale and issuance by such corporation of interest-bearing revenue bonds and refunding revenue bonds, payable solely out of the rent, revenues and income from the project or projects with respect to which they are issued; to specify the provisions which may be included in such bonds and to declare them to be negotiable instruments; to authorize and provide for an indenture of trust under which such bonds may be issued; to provide for certain remedies in favor of the holder or holders of any bonds issued by such corporation upon default on the same, but limiting such remedies to preclude foreclosure upon any project of such corporation, or any other remedy by which the holder or holders of such bonds may gain ownership, title or possession of such project; to specify the use to which the proceeds of such bonds may be put; to authorize the investment of funds of such corporation not presently needed; to exempt from taxation properties of the corporation and the income therefrom, the said leases, the said bonds and the income therefrom and the said indentures; to provide that such bonds shall be legal investments for fiduciaries, savings banks and insurance companies; to authorize the investment of idle and surplus funds of such municipality, the county in which the same is located, and any other municipality in such county in such bonds; to authorize the publication of notice of the adoption of the resolution authorizing such



bonds and providing a short statute of limitation for the institution of action or the making of defenses respecting the validity of said bonds, pledge, indenture and lease; to provide for the vesting in such municipality of title to each project of such corporation upon payment of all bonds issued with respect to such project; to provide for payment of any surplus monies held by such corporation at the end of any fiscal year thereof in excess of \$250,000 or such greater sum as may be approved by the governing body of such municipality, in excess of any reserves necessary to secure payment of any indebtedness of the authority, to such municipality; to provide for transfer of the assets of any corporation organized pursuant to the provisions of Act No. 174 of the First Special Session, 1965 (1965, First Extra Session, pp. 224, et seq.) in the county in which such municipality is located which has no bonded or otherwise secured indebtedness to such corporation; to provide for the directors of such a corporation organized pursuant to the provisions of said Act No. 174 to be the initial directors of such corporation if willing to serve as such; and, to provide for the dissolution of such corporation.

By Mr. McNair:

H. 6. To authorize any county in Alabama having a population of 600,000 or more according to the most recent federal decennial census and any incorporated municipality situated therein to cooperate with other governmental subdivisions, public agencies, public corporations and authorities in the construction of new residential water mains and pipes of an approved public water supply system and the extension of presently existing approved public water supply system mains and pipes to all areas of such county not presently served by an approved public water supply system; to authorize the costs of construction and installation of said mains and pipes, together with the costs of any improvements made thereon, or any portion of said costs, to be assessed against the property abutting on the streets, avenues, alleys, highways, or other public places so improved or served by said mains or pipes to the extent of the increase in value of such property by reason of the special benefits derived from such mains or pipes and from their construction, extension or improvement by the county or incorporated municipality; and, as other means of financing such construction, extension or improvement, to authorize the issuance of revenue bonds and the payment of monies out of general and special funds of such county or municipality and out of funds received from the State of Alabama and from the United States Government; and to provide low cost loans to affected property owners.

By Mr. Gafford, et al:

H. 505. Relating to all cities having populations of 300,000 or more inhabitants, according to the most recent federal decennial census, to prohibit the establishment of any private vocational, industrial, technical, or trade school within one hundred fifty feet of the boundaries upon which single-family or multiple-family residences are located, unless all such property owners consent; and certain exemptions thereto.

Mr. Gilmore, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendments, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Gafford, et al (With Amendments) (with notice and proof):

H. 506. To amend Sections 279, 280, 282, 283, 284, 285, 288 and 289 of Title 62 of the 1940 Code of Alabama, which sections regulate the licensing, teaching and practice of cosmetology in Jefferson County.

By Mr. Falkenburg, et al (With Amendments):

H. 637. To amend Act No. 639 of the Regular Session of the Legislature of Alabama of 1973 (Acts, 1973, pages 946-948), which Act levied an additional pistol permit fee in counties having a population of 500,000 or more, according to the last or any subsequent federal decennial census and established a Sheriff's Fund and a Legislative Fund, so as to provide for the appropriation by the county governing body of said funds.

Mr. Gilmore, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Biddle, et al:

H. 746. To provide for the rehabilitation of persons convicted of crime and sentenced to a term of confinement or detention and treatment in the county jail or other correctional facility of any county of this State having a population of 500,000 or more, according to the last or any subsequent Federal Census, and to provide that a jail or other correctional facility operated by such county in cooperation with another county or other counties shall be a correctional facility of such county within the meaning of this Act.

By Mr. Armstrong, et al (with notice and proof):

H. 845. To provide for the appointment, duties and compensation of the First Assistant Deputy District Attorney, Second Assistant Deputy District Attorney, Third Assistant Deputy District Attorney and Fourth Assistant Deputy District Attorney in counties having a population of six hundred thousand or more, according to the last or any succeeding decennial federal census where the Deputy District Attorney is elected by the people.

By Mr. Waggoner (with notice and proof):

H. 970. To authorize the City of Vestavia Hills, Alabama to pay Roland L. Paulin for certain expenses as a result of an injury to his son, Mark Paulin.

By Messrs. Gafford and Biddle:

H. 1009. To apply to every County of this State having a population of 600,000 or more according to the last or any subsequent Federal Census; to provide that the officers and employees of any public corporation created by such County to operate a hospital shall be members of any pension system established for the officers and employees of the County, subject to the exceptions, terms and conditions stated in the Act.

By Messrs. Gafford and Jackson (R):

H. 1010. To provide that in each county of this State having a population of 500,000 or more, according to the last or any subsequent

federal census, it shall be the duty of the governing body of the county to adopt whatever regulations the governing body deems appropriate requiring motor vehicles owned or controlled by the county, excluding those in the Sheriff's Department owned or controlled by the county, to be so painted and otherwise marked as to be easily identifiable as county vehicles; to authorize the governing body to prescribe different colors and signs for county motor vehicles used in the Sheriff's Department and county vehicles used in other county departments; to require that the regulations the county governing body adopts hereunder shall be contained in a resolution adopted by the governing body; and to provide that a violation of any of the provisions of any regulation adopted under this Act shall constitute a misdemeanor, and shall be punishable as provided for in Section 327, Title 15, Code of Alabama of 1940.

By Mr. Armstrong, et al (with notice and proof):

H. 1110. Relating to Jefferson County; to prescribe the compensation of the Assistant Sheriff for the Bessemer Division of said county and to repeal all conflicting statutes.

By Messrs. Boles, Trammell and Hall (with notice and proof):

H. 1178. To fix the compensation of the mayor of any municipality in Jefferson County who is employed full-time by a municipality, municipal board or municipal public corporation to serve as superintendent of one or more of certain utility systems owned and operated by such municipality, municipal board or municipal public corporation pursuant to the provisions of Title 37, Section 440, Alabama Code 1940, as amended.

By Messrs. Gafford, Boles and Waggoner:

H. 1192. To apply in every county of the State having a population of 600,000 or more according to the last or any subsequent Federal Census; to define a city school district as any school district in the County the boundaries of which district are coterminous with the boundaries of a municipality; to provide that the County shall pay all expenses of any election on the levy of a proposed city school district tax; to provide that the municipality, or the City Board of Education, receiving such tax, or which would have received such tax if the levy had been approved at the election, shall reimburse the County for all such expenses paid by the County; and to provide that the Act shall apply so as to require such reimbursement with respect to any election which has been held, or shall have been held, subsequent to the first day of January in that year wherein such County becomes subject to this Act.

By Mr. Harrison, et al:

H. 1397. To provide further for the compensation of certain election officers and workers in counties which have a population in excess of 500,000, according to the most recent federal decennial census, and to repeal all conflicting statutes.

By Mr. Falkenburg, et al (with notice and proof):

H. 1462. Fixing supplemental salaries for each District Court Judge in Jefferson County, Alabama.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable

report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Merrill:

H. 490. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, and for the interest on the public debt and for the public schools.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Morris, et al (with amendment):

H. 1410. To amend Section 9 of Act No. 37 Regular Session of the Legislature of Alabama 1969, as amended to provide further for the disposition of the proceeds from the tax.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Morris, et al (With Substitute):

H. 1409. To amend Sections 4 and 8 of Act No. 21, H. 28, as amended, enacted at the 1969 Regular Session of the Legislature of Alabama entitled, "To raise revenue; to levy a privilege or license tax against certain persons and utilities on account of the furnishing of certain utility services; to prescribe the rates thereof and exclusions therefrom; to provide for issuance of a utility license; to provide the method of collecting such tax and the method of enforcing payment thereof, to provide for the disposition of the proceeds from the said tax; and to repeal all laws in conflict with this Act;" so as to redirect into the General Fund of the State the proceeds of this tax deriving from residential users of utilities and to establish a uniform 4% rate of tax paid on monthly gross receipts or gross sales.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Merrill:

H. 489. To make annual appropriations for the support, maintenance, and development of public education in Alabama for the fiscal year ending September 30, 1976.

By Mr. Naramore, et al:

H. 271. To make appropriations for the support and maintenance of the Walker County Junior College located at Jasper, in Walker County.

By Messrs. Morris, Biddle, Gafford, Merrill, Coburn and Owens:

H. 457. To make appropriations for the support and maintenance of the Lyman Ward Military Academy.

By Mr. Pegues, et al:

H. 476. To make appropriations for support and maintenance of the Marion Institute, located in Perry County.

By Mr. Teague, et al:

H. 488. To make appropriations for the support and maintenance of Talladega College.

By Mr. Reed, et al:

H. 584. To make appropriation for the support and maintenance of the Tuskegee Institute located in Macon County for the next fiscal year.

Mr. McDonald (S), Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Weeks, Turnham, Johnson, Boles, Sasser, Brindley, Starkey and McNees:

H. 59. To amend Section 333, Title 52, Code of Alabama, which provides for the charging of an application fee for teachers' certificates and earmarks the use of said fees; and further provides for the repeal of Section 350 of the same title which provides for the disposition of fees paid by the applicants for teachers' certificates.

By Mr. Folmar:

H. 82. To name the new music building at Troy State in honor of Dr. John M. Long.

Mr. McDonald (S), Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. McDonald (S) and Torbert (With Amendment):

S. 87. Relating to education; to remove the present and future Assistant State Superintendent of Education and the directors of the divisions of the Department of Education from the provisions of the merit system and repeal laws in conflict therewith.

Mr. McDonald (S), Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Flippo:

S. 359. To amend Title 52, Section 100, Code of Alabama, 1940, to change the name of local School Trustees to that of Local School Advisory Committee and to repeal Title 52, Sections 138, 139, 140, 141, 143, 144, 145, 146, and 147 and to further provide for the selection of Local School Advisory Committees and specify their powers.

By Mr. McDonald (S):

S. 489. To amend Act No. 39, H. 55, 1969 Special Session [Acts 1969, p. 96; now appearing in Code of Alabama Recompiled 1958, Title 52, Section 178(1)] entitled "An Act Relating to public schools; to provide for the appointment and qualifications of city superintendents of schools in all cities of this state having a city board of education, and to repeal conflicting general, special and local laws" relative to minimum qualifications of city school superintendents.

By Mr. St. John:

S. 601. To amend Section 2, Act No. 470, S. 182, 1969 Special Session (Acts 1969, page 912) so as to exempt teachers from the provision requiring the governor's written authorization for official out of state travel.

By Mr. St. John:

S. 602. To provide for a permanent tag for the school busses used in any school system in this state, so long as such vehicle remains in the use of the school system.

Mr. Pearson, Chairman of the Standing Committee on Conservation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Campbell, Clark, Owens, Lockett, Pegues, Manley and Carter:

H. 119. To amend Code of Alabama 1940, Title 8, Sections 92 and 93 relative to maximum penalties for hunting on the property of another without permission.

By Messrs. Smith (B) and Riddick:

H. 463. To amend Sections 10 and 15 of Act No. 784, H. 316, Regular Session 1953 (Acts 1953, p. 1069) regulating the use of commercial fishing gear in the public fresh waters of this state so as to increase the penalties for the violation of this act.

By Messrs. Coburn, McNeese, Carter, Starkey and Goodwin:

H. 662. To transfer the LaGrange Historical Site owned by the LaGrange Historical Commission of the State of Alabama to the Alabama Historical Commission.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Cross, et al:

H. 857. To revise the fee schedule for services rendered in probate offices and establish a new schedule for such services; and to repeal Code of Alabama 1940, Title 11, Section 29, and other general laws of state-wide application in conflict herewith.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on

the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Starkey (with notice and proof):

H. 168. To alter, rearrange and extend the boundary lines of the City of Scottsboro, Jackson County, Alabama, so as to include within the corporate limits thereof all territory which is already included within such corporate limits immediately prior to the time this Act becomes law and, in addition thereto, all the territory which is not then included within such corporate limits but which lies within the following described boundaries, all situated in Jackson County, Alabama.

By Mr. Starkey (with notice and proof):

H. 167. To alter, rearrange and extend the boundary lines of the City of Scottsboro, Jackson County, Alabama, so as to include within the corporate limits thereof certain additional territory lying within the following described boundaries, situated in Jackson County, Alabama.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Cross (With Substitute):

H. 1003. Relating to the official court reporter in every judicial circuit, composed of one county with a population of not less than 27,000 nor more than 27,900, so as to authorize an expense allowance for the court reporter.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Baker and Whatley (with notice and proof):

H. 109. Relating to Russell County, providing that the salary of the district attorney's secretary shall be set and paid by the county governing body of Russell County.

By Messrs. Baker and Whatley:

H. 110. Relating to counties having a population of not less than 42,000 nor more than 49,500 according to the most recent federal decennial census; to create the office of investigator for the district attorney; to provide for his duties, authority and compensation.

By Messrs. Baker and Whatley:

H. 108. To provide an additional expense allowance for the District Attorney of the Twenty-Sixth Judicial Circuit of Alabama.

By Messrs. Mitchem, Brindley and Kelley (with notice and proof):

H. 438. Relating to Marshall County: To authorize the Jury Commission of Marshall County to meet and attend to its duties for a

period of ninety days per year, and to provide and authorize for the payment of salary, compensation and expenses of members of the Jury Commission.

By Mr. Dial (with notice and proof):

H. 325. Relating to Clay County, authorizing the governing body to employ such clerical and secretarial employees as may, from time to time, be deemed necessary, subject to the availability of county funds for such purposes.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Turnham, Whatley and Higginbotham (with notice and proof) (With Amendment):

H. 290. To amend further the title and Section 1 of Act No. 394, H. 828, Regular Session 1961 (Acts 1961, p. 406), as amended, so as to further provide for deputies and assistants to the sheriff of Lee County; giving this act retroactive effect.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Carter and Moore (W):

H. 277. To provide in all counties having populations of not less than 39,500 nor more than 41,750 according to the most recent federal decennial census, for the rate of publication of any quarterly or annual report published by the county governing body.

By Messrs. Carter and Moore (W):

H. 276. Relating to counties having a population of not less than 39,500 nor more than 41,500 inhabitants according to the most recent federal decennial census; to authorize the county governing body of such counties to appropriate public funds to the use of rescue squads incorporated under the nonprofit corporation laws of this state.

By Messrs. Carter and Moore (W):

H. 275. Relating to counties having a population of not less than 39,500 nor more than 41,500 inhabitants according to the most recent federal decennial census; to provide for paying the expenses of deputy sheriffs attending any school or training program where their expenses are not otherwise provided for by law.

By Mr. Cates:

H. 1247. Relating to all counties having a population not less than 22,000 nor greater than 22,500; providing that jurors' compensation in such counties shall be \$12 per day and 10¢ per mile.

By Messrs. Drake and Sparks (with notice and proof):



H. 1152. To amend Act No. 707, H. 1354, 1973 Regular Session, (Acts 1973, p. 1058) entitled "An Act To authorize the governing body of Cullman County to provide for all help and equipment in the offices of the several officers in that county" to include all employees of the sheriff's department and intermediate court except the clerk of said court.

By Messrs. Whatley and Baker (with notice and proof):

H. 1115. Relating to Russell County; to provide for an additional expense allowance for members of the county commission and for certain clerks of the county commission.

By Messrs. Hill, Greer and Coburn (with notice and proof):

H. 1054. Relating to Lauderdale County; authorizing the county commission to establish budgetary limits for the cost of operating all departments of county government and to fix and enforce policies, rules and regulations respecting holidays, vacations and sick leave for all county employees.

By Messrs. Hill, Greer and Coburn (with notice and proof):

H. 1053. Amending Section 1 of Act No. 791, H. 923, Regular Session (Acts 1969, p. 1421), relating to the sheriff's department of Lauderdale County, so as to remove the maximum number of deputies that can be hired and removing the compensation limits of the deputies, secretaries and jailers.

By Messrs. Hill, Greer and Coburn (with notice and proof):

H. 1052. Relating to Lauderdale County; setting the compensation and expense allowance of certain officials.

By Messrs. Gregg, Lutz and Smith (B) (with notice and proof):

H. 1028. To change the compensation of the Sheriff of Madison County, Alabama.

By Messrs. Kelley, Brindley and Mitchem:

H. 1340. Relating to counties having a population of not less than 53,000 nor more than 55,000; to provide an additional allowance for the clerk hire fund of the office of probate judge in such counties, and making provisions hereof retroactive.

By Messrs. Kelley, Brindley and Mitchem:

H. 1339. Relating to counties having a population of not less than 53,000 nor more than 55,000; to validate and confirm any contributions of county funds to the use of any non-profit volunteer rescue squad within the county between October 1, 1973 and October 31, 1974.

By Mr. Smith (M) (with notice and proof):

H. 1302. To authorize the County Commission of Randolph County to provide for the relief of the Farm Bureau Insurance Company for the payment of a claim arising from a wreck between a Randolph County truck and a car driven by James East.

By Mr. Morris (with notice and proof):

H. 1324. Relating to Tallapoosa County; to provide for branch banking under certain conditions.

By Messrs. Mitchem, Brindley and Kelley (with notice and proof):

H. 440. To authorize the county commission of Marshall County to provide for the relief of Bobby Joe King for the payment of medical expenses due to bodily injuries incurred in the line of duty while a Deputy Sheriff in the Marshall County Sheriff's Department.

By Mr. Robertson:

H. 654. Further relating to commercial fishing in public waters in all counties having populations of not less than 115,000 nor more than 150,000; to authorize and provide for a commercial fisherman's helper for certain such fishermen; to provide for the issuance of permits for such helpers; to prescribe the fees for such permits; to provide for their collection and distribution; and to prescribe penalties for violations of this act.

By Messrs. Robertson and Lee (with notice and proof):

H. 231. Relating to expense allowances of county officials in Tuscaloosa County.

By Messrs. Robertson, Clark, Johnson, Howard and Owens (with notice and proof):

H. 232. Relating to Tuscaloosa County; to amend further Act No. 56, H. 285, Regular Session 1953 (Acts of 1953, p. 76) an act levying additional privilege or license taxes in Tuscaloosa County, so as to exempt tangible personal property purchased outside said county from the use tax levy.

By Mr. Clark (with notice and proof):

H. 241. Relating to expense allowances of county officials in Tuscaloosa County.

By Messrs. Moore (O) and Smith (C):

H. 1585. Relating to all counties having populations of not less than 36,500 nor greater than 39,200 according to the most recent federal decennial census; to authorize branch banks in any such city or town located wholly or partly in such county having not less than 1,200 inhabitants according to the last or any subsequent federal decennial census, provided such bank shall have been in existence, operation or under construction in any such county prior to January 1, 1975; to deem authorized any such branch banks at the time established; and to ratify and confirm any action taken by such branch banks prior to passage of this bill.

By Messrs. Hill, Greer and Coburn (with notice and proof):

H. 1051. Relating to Lauderdale County; providing for a monthly expense allowance for County Commissioners of Lauderdale County.

By Messrs. Greer, Hill and Coburn (with notice and proof):

H. 1050. Relating to Lauderdale County; providing an expense allowance for the County Coroner.

By Messrs. Gregg, Lutz and Smith (B) (with notice and proof):

H. 1027. To change the compensation of the Coroner of Madison County, Alabama.

By Messrs. Lutz, Smith (B) and Gregg (with notice and proof):

H. 1031. To change the compensation of the Probate Judge of Madison County, Alabama.

By Messrs. Gregg, Lutz, Riddick and Smith (B) (with notice and proof):

H. 1030. To change the compensation of the Chairman of the County Commission of Madison County, Alabama.

By Messrs. Greer, Hill and Coburn (with notice and proof):

H. 1048. Relating to the management of the public records of Lauderdale County; providing for the photographing or microphotographing of such public records and for the admissibility in evidence of photographed or microphotographed copies of records required to be kept by public officers of Lauderdale County, and for payment of the cost incurred in the purchase of photographic or microphotographic equipment; to authorize the photographing or microphotographing of old documents and records presently held as public records of Lauderdale County; to authorize the destruction of old documents not otherwise stored with the State Department of Archives and History.

By Messrs. Lutz and Riddick (with notice and proof):

H. 1029. To authorize the Madison County Commission to provide for the relief of Sara Hall Gibson.

By Mr. Shelby:

S. 907. To authorize and provide for the establishment, operation and financing of a Public Defender Office in all counties having a population of not less than 110,000 nor more than 150,000 inhabitants, according to the last or any subsequent federal decennial census, for the representation and defense of persons accused of crime who are declared indigent by the courts; to establish a Public Defender Commission to operate said office; to define the powers, duties of and limitations upon said Commission and the Public Defender; to provide for the selection and compensation of the Public Defender and for the employment and compensation of the Assistant Public Defenders and the personnel of said office, and for the expenses of said office; to provide for the resignation and removal of the Public Defender and personnel of the Public Defender Office; to provide for the taxing and collecting of additional court costs in certain courts in said counties for such purpose and for the expenditure thereof; to provide for continued opportunity for other lawyers to be appointed to represent such indigent persons accused of crime; to provide for the prorata return of any excess money in the Public Defender Fund to the counties and Municipal bodies from which received.

## RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 103. Resolved by the Senate, That the following bills shall be the paramount and continuing order of business, immediately upon adoption of this resolution, taking precedence over all other business, for the 27th legislative day only:

Bill No.	Page No.	Description
H. B. 1551	Supplement	Supplemental appropriation
H. B. 899	94	Reg. loans
H. B. 92	95	Equalization of int. rates
H. B. 212	30	Death penalty
S. B. 1053	150	Names building
S. B. 992	116	Sod farm
S. B. 382	119	Mental health
S. B. 139	31	ACHE
S. B. 1019	117	Department of Agric.
H. B. 442	105	Dept. of Cons.
S. B. 169	3	Ins. Department
S. B. 106	26	Emergency Care
S. B. 525	73	Education
S. B. 440	7	Voting
S. B. 223	19	PSC
S. B. 430	4	County claims
S. B. 441	108	Firefighters
S. B. 142	19	Rescue Squads
H. B. 39	72	Dept. of Labor
S. B. 668	95	Credit cards
S. B. 1040	137	Workmens compensation
S. B. 1039	139	Unemployment compensation
S. B. 925	56	Water works
S. B. 891	113	Warehouses
S. B. 415	51	Credit unions
S. B. 416	52	Credit unions
S. B. 698	24	Mental health
S. B. 704	110	District Attorneys
H. B. 234	49	Nursing
S. B. 97	21	Vehicle inspection
S. B. 775	122	Professional Corp. Act
S. B. 49	22	Pay for witnesses
S. B. 496	129	Interest rate

S. B. 495	130	County temporary loans
S. B. 657	49	Insurance coverage
S. B. 755	111	Engineering
S. B. 845	127	Utilities
H. B. 412	123	Labeling of eggs
S. B. 599	128	Explosives
S. B. 300	146	Utility taxes
S. B. 301	149	Public schools
S. B. 309	147	Swine

On motion of Mr. Foshee, said Resolution was adopted by the Senate.

#### BILL RE-REFERRED

Mr. Mims, Chairman of the Standing Committee on Agriculture, reported that said Committee, in Session, had acted on the Bill, H. B. 828, and ordered same returned to the Senate with the recommendation that it be re-referred to the Standing Committee on Finance and Taxation, as required by Senate Rule 54.

And the President and Presiding Officer of the Senate ordered said Bill, H. B. 828, re-referred to the Standing Committee on Finance and Taxation.

#### UNFINISHED BUSINESS

##### BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 699. To amend Act No. 606, S. 112 of the Regular Session of 1969 (Acts 1969, p. 1110), which creates the office of Supernumerary Probate Judge, amending Sections 1, 4 and 5 thereof, in order to change certain prerequisites for appointment to such office, by reducing the number of years of past service as a probate judge and by providing for the counting of years of service in certain other public offices as a part of the prior service which is prerequisite to appointment to such office; to regulate further the compensation payable to each such officer; and to regulate further the return to such officer of his contributions to the county when he ends his tenure of office prior to becoming a Supernumerary Probate Judge.

and pending Committee amendment, which said amendment is set out at length in the Journal of the Senate for the Twentieth Legislative Day.

#### INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. Baker and Flippo:

S. 1133. To provide for the creation of the Alabama Elected Officials Retirement Fund; to provide for the actuarially sound admin-

istration and supervision thereof; to provide for the payment of contributions by the members of said fund; and further to provide for the necessary and proper appropriations and other employer costs to carry out the provisions of this Act.

Committee on Finance and Taxation.

By Mr. Stewart:

S. 1134. To amend Sections 3, 6, and 12 of Act No. 2220, H. 2829, 1971 Acts of the Regular Session (Acts 1971, Vol V, p. 3566), entitled "Relating to all counties having populations of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census; to impose a tax upon the sale by liquor licensees of spirituous or vinous liquors and an additional tax on malt or brewed beverages when sold for on-premises consumption; providing for the administration of this Act and the collection and use of the proceeds; requiring permits for taxable sales of spirituous and vinous liquors and malt or brewed beverages; and providing penalties for violations of this Act", further prescribing the manner and method of regulating the sale of alcoholic beverages, taxation thereon, and penalties for violations.

Committee on Local Legislation No. 1.

By Mr. Stewart:

S. 1135. To propose an amendment to the Constitution relative to the levy and collection of a special property tax for educational purposes in the city of Anniston.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Mr. McMillan:

S. 1136. To apply to every county of the State having a population of more than 500,000 according to the last or any subsequent federal census; to define for and in such county an associate registrar as a member of the board of registrars of the county other than the chairman of said board; to provide that the term of an associate registrar shall expire on a date four years subsequent to the date of his appointment; to provide that if when an associate registrar's term expires there are then a full time chairman of the board of registrars subject to a civil service system and full time employees of said board subject to said civil service system, the appointing board, provided for by Section 21, Title 17, Code of Alabama of 1940, shall not appoint a successor to such associate registrar until the appointing board has received a resolution of the governing body of the county requesting that the appointing board appoint a successor to the associate registrar whose term has expired; to provide that the governing body shall not adopt any such resolution unless such governing body has found, and recites in said resolution, that it is essential to the efficient functioning of the board of registrars that the appointing board appoint a successor to the associate registrar whose term has expired; to provide that as soon as practical after the appointing board receives such resolution the appointing board shall appoint a successor to the associate registrar whose term has expired; to provide that upon an associate registrar's term expiring thereafter until his successor is appointed the chairman, or the chairman and the remaining associate registrar, as the

case may be, shall perform the functions and duties of the board of registrars; to provide that when the chairman performs the functions and duties which a former associate registrar would have performed if his term had not expired, the State of Alabama shall pay to the general fund of the county an amount equal to the compensation which the State would have paid such former associate registrar if he as an associate registrar had performed the duties the chairman performed in his stead.

Committee on Local Legislation No. 2.

By Mr. Noonan:

S. 1137. To apply only in Mobile County; providing for service of witness subpoenas by mail.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To apply only in Mobile County; providing for services of witness subpoenas by mail.

Be It Enacted by the Legislature of Alabama:

Section 1. In Mobile County the Sheriff shall execute every order from every court in Mobile County to subpoena witnesses as provided in Section 449, Title 7, Code of Alabama, 1940 or the service may be made by first class mail as follows: It shall be the duty of the Sheriff of the county to enclose the subpoenas in an envelope addressed to the person to be served and place all necessary postage and a return address thereon. In the event said witness subpoena is returned to the Sheriff by the Post Office Department of the United States without delivery, the subpoena shall be by the Sheriff returned NOT FOUND. All witness subpoenas not returned to the Sheriff by said Post Office Department shall be considered for all purposes as sufficient personal and legal service. The provisions of this section in reference to service by mail shall not apply, however, to witness subpoenas returnable before the court instantler. Such subpoenas shall be served only as provided in Section 449 of Title 7, Code of Alabama, 1940.

Section 2. This act is cumulative.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor and upon its otherwise becoming a law.

Joyce Butt being sworn, says that she is bookkeeper of The Mobile Press and The Mobile Register, daily newspapers printed and published in the City and County of Mobile, State of Alabama: and the attached notice appeared in the issue of The Mobile Register July 3, 10, 17, 24.

JOYCE BUTT.

Sworn to and subscribed before me this 27 day of Aug. 1975.

GARY L. RICHARDSON,  
Notary Public.

By Mr. Noonan:

S. 1138. Relating to Mobile County: To amend further Section 1 of an Act approved June 28, 1940 (Act No. 594, H. 1044, Local Acts of Alabama, 1939, p. 355), placing the Sheriff of Mobile County, Alabama, on a salary basis.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

ALA. STATE LEGISLATURE

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Mobile County: To amend further Section 1 of an Act approved June 28, 1940 (Act No. 594, H. 1044, Local Acts of Alabama, 1939, p. 355), placing the Sheriff of Mobile County, Alabama, on a salary basis.

Be It Enacted by the Legislature of Alabama:

Section 1 of Act 594, H. 1044, Regular Session 1939 (Local Acts 1939, p. 355), an act regulating the compensation of the Sheriff of Mobile County, as amended, is amended further to read as follows:

"Section 1. At the expiration of the term of the incumbent, the Sheriff of Mobile County shall be entitled to be compensated in an amount equal to 90% of the salary received by Circuit Judges in such counties where the circuit is limited to the size of said county, per annum as salary or compensation. Such sum shall be paid out of the County treasury of Mobile County, Alabama, in equal monthly installments at the end of each month, upon warrants drawn in the same manner as other officers and employees of Mobile County, Alabama."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Joyce Butt being sworn, says that she is Bookkeeper of the Mobile Press and The Mobile Register, daily newspapers printed and published in the City and County of Mobile, State of Alabama: and the attached notice appeared in the issue of The Mobile Register 6/10, 17, 24, 7/1, 1975.

JOYCE BUTT.

Sworn to and subscribed before me this 21 day of July 1975.

GARY L. RICHARDSON,  
Notary Public.

By Mr. Foshee:

S. 1139. Relating to banks and branch banking: To permit the establishment of branch banks at any location within the county in which a bank has its principal place of business with the consent and approval of the Superintendent of Banks and to repeal all laws or parts of laws in conflict with this Act.

Committee on Banking.



By Mr. Foshee:

S. 1140. Naming a strip of road on U. S. Highway 84, beginning on the west abutment of the Pea River Bridge and running easterly to the city limits of Elba, Coffee County, Alabama "Cornelia Wallace Drive".

Committee on State Government.

By Mr. Edwards:

S. 1141. To amend Section 107, Title 15, Code of Alabama 1940, which relates to the execution of search warrants so as to provide that ordinary search warrants may be executed between the hours of 6:00 A.M. and 10:00 P.M.

Committee on Judiciary.

By Mr. Fine:

S. 1142. Relating to counties with a population of not less than 23,900 nor more than 24,450 inhabitants according to the most recent federal decennial census; to allow the collection of a solicitor's fee by the county in all appropriate cases of the county court whether or not the district attorney is present at the hearing of the case.

Committee on Local Legislation No. 1.

By Mr. Fine:

S. 1143. Relating to counties having a population of not less than 23,900 nor more than 24,450 inhabitants according to the most recent federal decennial census, to provide that the sheriff shall be entitled to the allowance payable by the state for feeding prisoners; to provide that the provisions of this Act shall be retroactive to January 18, 1971.

Committee on Local Legislation No. 1.

By Messrs. Stewart, Edwards, Shelby, Foshee and Baker:

S. 1144. Relating to payments by the State of Alabama for patients in intermediate care facilities.

Committee on Health and Welfare.

By Messrs. Stewart, Edwards, Shelby, Foshee and Baker:

S. 1145. Relating to allowances allowed patients receiving state assistance at nursing homes.

Committee on Health and Welfare.

By Messrs. Stewart, Edwards, Shelby, Foshee and Baker:

S. 1146. Providing for the annual audit, of all nursing homes in Alabama and the distribution of the auditor's report.

Committee on Health and Welfare.

By Messrs. Edwards, Stewart, Shelby, Foshee and Baker:

S. 1147. Relating to eligibility requirements for medical assistance from the State of Alabama, including but not limited to nursing home patients.

Committee on Health and Welfare.

By Mr. Roberts:

S. 1148. To exempt the Mobile Rescue Mission from any state, county or municipal taxation.

Committee on Finance and Taxation.

By Mr. Fine:

S. 1149. Relating to the thirty-fourth judicial circuit of Alabama, to provide for an investigator, furnished with an automobile and other equipment necessary for the performance of investigative duties; and to provide for a secretarial assistant for the office of district attorney of said judicial circuit.

Committee on Local Legislation No. 1.

By Messrs. Gilmore and Littleton:

S. 1150. To authorize the governing bodies of all counties having populations of not less than 36,500 nor more than 39,200 according to the most recent federal decennial census to appropriate not more than 1¢ per person according to the 1970 federal decennial census for celebrating the bicentennial observance during the fiscal year 1975-76.

Committee on Local Legislation No. 1.

By Messrs. Gilmore and Littleton:

S. 1151. To authorize the governing bodies of all counties having populations of not less than 36,500 nor more than 39,200 according to the most recent federal decennial census to pay \$5.00 to each person attending an official school for election officials and who serve as an election official in the next election following such school.

Committee on Local Legislation No. 1.

By Mr. Stewart:

S. 1152. To authorize the county commission of all counties having a population of not less than 95,000 nor more than 115,000 inhabitants according to the most recent federal decennial census to make expenditures from the county general fund for bi-centennial purposes.

Committee on Local Legislation No. 1.

By Mr. Waldrop:

S. 1153. Relating to counties having a population of not less than 90,000 nor more than 100,000 according to the most recent federal decennial census; to require use of a micro-filming process in lieu of hiring additional assistants or clerical help for the completion and preparation of the list of qualified voters which the judge of probate is required to furnish the election inspectors by Title 22, 1940 Code of Alabama, as last amended; to require an annual appropriation by the County Commission to the County Health Department.

Committee on Local Legislation No. 1.

By Mr. Gilmore:

S. 1154. Proposing an amendment to the Constitution of Alabama

relating to levying additional ad valorem taxes by the City of Vestavia Hills, Jefferson County, Alabama.

Committee on Local Legislation No. 2.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Gilmore:

S. 1155. Proposing an amendment to the Constitution of Alabama relating to levying additional ad valorem taxes by the City of Vestavia Hills, Jefferson County, Alabama.

Committee on Local Legislation No. 2.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. Baker and Flipppo:

S. 1156. Proposing an amendment to the Constitution of Alabama to authorize the Legislature to provide for the retirement of elected officials and of heads of departments of state government with such conditions, retirement benefits and pensions as it deems wise.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Mr. McMillan:

S. 1157. To provide that no board of adjustment authorized by Section 781, Title 37, Code of Alabama, as amended, and provided for by any municipality which is located within any county, which county now has or may hereafter have a population in excess of 500,000 according to the last or any succeeding decennial federal census, shall grant a variance under the zoning ordinance of such municipality to allow a structure or use in a district restricted against such structure or use except as specifically provided for by the zoning ordinance of such municipality.

Committee on Local Legislation No. 2.

By Mr. Fine:

S. 1158. To amend and reenact Act No. 160, S. 95, 1955 Regular Session (Acts 1955, p. 406), entitled "An Act Relating to elections: to provide that the State shall reimburse a county either in whole or in part for the expenses incurred in holding and conducting certain elections, and appropriating funds for that purpose," so as to provide for more expenses for which the State shall reimburse a county in an election.

Committee on Finance and Taxation.

By Mr. Fine:

S. 1159. Relating to all counties having a population of not less than 23,900 nor more than 24,450 inhabitants according to the most recent or any subsequent federal decennial census; to provide that any probate

judge who has served 15 or more years may elect to assume certain additional duties for extra compensation upon termination of office or retirement.

Committee on Local Legislation No. 1.

By Mr. Bank:

S. 1160. To provide for the registration or regulation of persons who, as independent contractors, directly or indirectly, recruit or solicit any student to enter into an agency contract or professional sport services; to make any violation of the provisions hereof by such person a misdemeanor; to make any agency contract or professional sport services contract negotiated by any recruiting agent who violates either the requirement to register, or to file a copy of his or her registration certificate, void and unenforceable; to make any agency contract or professional sport services contract negotiated by a recruiting agent, who violates the requirement to file a copy of each such signed contract, void and unenforceable.

Committee on Judiciary.

FURTHER CONSIDERATION OF S. B. 699

The Senate proceeded to further consideration of the Bill, S. B. 699 and pending Committee amendment. Mr. Baker moved that further consideration be postponed until the next Legislative Day. Mr. Flippo offered a substitute motion that further consideration be postponed until the Twenty-ninth Legislative Day. On motion of Mr. Bank, the motion to postpone was laid on the table.

Yeas 14; Nays 9.

*Yeas:*

Messrs. Adams, Bank, Fine, Foshee, Gilmore, Givhan, Jones, Mims, Mitchell, Noonan, Owen, Powell, Roberts, Shelby.

—14

*Nays:*

Messrs. Baker, Edwards, Flippo, King, Little, St. John, Stewart, Torbert, Waldrop.

—9

Mr. Flippo then moved that further consideration of the Bill, S. B. 699 and pending committee amendment, be postponed until the Thirtieth Legislative Day.

NOTICE IN WRITING

Mr. King offered the following Notice in Writing, to-wit:

“NOTICE IN WRITING OF MOTION TO AMEND RULES”

“Notice is hereby given in accordance with the Senate Rules that on the next legislative day a motion will be made to amend Senate Rule No. 60 to read as follows:

“ ‘Rule 60. No bill shall be reported out of committee by any means without having been considered and acted upon at a meeting of the committee to which such bill was assigned. All bills receiving a favorable report by committee action shall be reported for their second reading no later than two legislative days following such committee action.’ ”

Which was read and ordered spread upon the Journal.

#### FURTHER CONSIDERATION OF S. B. 699

The Senate proceeded to further consideration of the Bill, S. B. 699 and pending Committee amendment. The question was on the motion of Mr. Flippo that further consideration of the Bill be postponed until the Thirtieth Legislative Day.

Mr. Bank offered a substitute motion that further consideration of the Bill be postponed temporarily, which motion was adopted, and further consideration of the Bill, S. B. 699, was postponed temporarily.

#### SPECIAL ORDER

##### BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount and continuing order of business for today, the first of which was the Bill:

H. 1551. To make an additional appropriation for salaries and other expenses for the use of the Legislature for the fiscal year ending September 30, 1975.

And said Bill, H. B. 1551, was then read a third time at length and passed.

Yeas 28; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Ellis, Fine, Flippo, Foshee, Givhan, Jones, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

—28

*Nays:*

—0

#### MOTION TO RESOLVE INTO COMMITTEE OF WHOLE

Mr. St. John moved that the Senate resolve itself into a Committee of the Whole Senate, which motion was adopted.

At 10:30 A.M., the President and Presiding Officer of the Senate declared the Senate resolved into a Committee of the Whole Senate.

#### COMMITTEE OF THE WHOLE SENATE DISSOLVED

At 12:15 P.M., Mr. St. John arose and declared the Committee of the Whole had completed its business and requested that the Committee of the Whole be dissolved.

Thereupon, the President and Presiding Officer of the Senate declared the Committee of the Whole Senate dissolved and called the Senate of Alabama to order.

### ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

—35

### RECESS

At 12:17 P.M., on motion of Mr. Perloff, the Senate took a recess until 2 o'clock this afternoon.

The recess period having expired, the Senate was called to order by Lieutenant Governor Beasley. A quorum of the Senate was present.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 1551. To make an additional appropriation for salaries and other expenses for the use of the Legislature for the fiscal year ending September 30, 1975.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 267. MOURNING THE DEATH OF WILLIAM REID PERRY.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a

quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 439. Relating to Marshall County, granting the county board of education the discretionary power to set the salary of the county superintendent of education, and providing also that said superintendent shall receive any increase in salary as may be granted to the teachers of said county and giving this act retroactive effect.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

By Messrs. Waggoner, Biddle, Armstrong, Jolly, Moore (O), Callahan, Teague, Quarles, Gafford, Owens, Turnham, White, Falkenburg, McNair, Hill, McMillan, Robertson, McNees, Hilliard, Hopping, Trammell, Andrews, Clark, Lee, Cross, Roberts, Martin, Naramore, Moore (W), Ford, Rich, Hines, Dial, Shelton, Sonnier, Smith (C), Brindley, Baker, Folmar, Barron, Warren, Cooper, Drake, Sparks, Coburn, Williams, Sasser, Malone, Kennedy, Kelley, Johnstone, Carothers, Kinsey, Plaster, Mitchem, Weeks, Jackson (R) and Carter:

H. 201. To provide that driver licenses bear photographic likeness in color of licensed drivers and to provide for a system to implement the use of color photographic driver license forms and for the time and manner of implementing this act; and to provide for non-driver identification cards; to provide for the issuance of driver licenses valid for a period of four (4) years, and to set the cost of such licenses and identification cards, and the fees for issuance; to provide for interim driver licenses valid for a period of two (2) years to implement this act, and to set the cost of such licenses; to provide that contracts may be awarded for a period of a total of five years; to amend Section 62, Title 36, Code of Alabama 1940; to repeal Section 59, Title 36, Code of Alabama 1940, as amended.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 769. To create a Board of Trustees to manage, control, and maintain Alabama Agricultural and Mechanical University at Huntsville; to prescribe the powers, duties, authority, and compensation of the board; to provide for the appointment and prescribe the terms of office of members thereof; to divest the State Board of Education of all jurisdiction, power and authority with respect to the supervision, management and control of said university; and to provide for the transfer from said State Board of Education to the Board of Trustees of Alabama Agricultural and Mechanical University all supplies, funds, books, documents, records, and other property or effects of such University.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 92. TO DESIGNATE HIGHWAY 72 FROM I-65 TO THE ENTRANCE OF WHEELER STATE PARK THE "JOE WHEELER STATE PARKWAY".

Also:

S. J. R. 94. LAMENTING THE ATTEMPTED ASSASSINATION OF JUDGE ARTHUR GAMBLE, JR.

Also:

S. J. R. 95. TO DESIGNATE HIGHWAY 67 FROM I-65 TO ITS INTERSECTION WITH FEDERAL HIGHWAY 31 THE "POINT MALLARD PARKWAY".

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.



H. 903. To amend Sections 1 and 8 of Act No. 999, H. 288 Regular Session 1969 (Acts 1969, p. 1855-1866, now appearing in Code of Alabama Recompiled 1958, Title 55, Section 475, (37-56), as last amended; to provide further for the Alabama Peace Officers Annuity and Benefits Fund; to redefine certain words and terms; to revise eligibility requirements and retirement benefits.

Also:

H. 201. To provide that driver licenses bear photographic likeness in color of licensed drivers and to provide for a system to implement the use of color photographic driver license forms and for the time and manner of implementing this act; and to provide for non-driver identification cards; to provide for the issuance of driver licenses valid for a period of four (4) years, and to set the cost of such licenses and identification cards, and the fees for issuance; to provide for interim driver licenses valid for a period of two (2) years to implement this act, and to set the cost of such licenses; to provide that contracts may be awarded for a period of a total of five years; to amend Section 62, Title 36, Code of Alabama 1940; to repeal Section 59, Title 36, Code of Alabama 1940, as amended.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Ford:

H. J. R. 264. COMMENDING MISS JACQUELYN ELAINE MASSEY UPON BEING CHOSEN "WORLD'S LITTLE LOVELY LADY FOR 1975"

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 264, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Mr. Dial:

H. J. R. 235. MOURNING THE DEATH OF MR. MARLIN G. SATTERFIELD.

Also:

By Mr. Higginbotham:

H. J. R. 236. MOURNING THE DEATH OF LEWIS COOPER, JR.

Also:

By Mr. Johnstone:

H. J. R. 238. HONORING NELLIE IRENE JONES JAYNE UPON HER SIXTY-SIXTH BIRTHDAY.

Also:

By Mr. Plaster:

H. J. R. 242. COMMENDING PRATTVILLE SENIOR BABE RUTH TEAM.

Also:

By Messrs. Roberts, Lutz, Albright, Moore (W), Gregg, Smith (B) and Riddick:

H. J. R. 243. MOURNING THE DEATH OF MRS. MARTHA WHIT BURLESON SMITH.

Also:

By Mr. Crowe:

H. J. R. 245. MOURNING THE DEATH OF EZEKIAL PINKARD.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolutions, H. J. R.'s 235, 236, 238, 242, 243 and 245, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Gafford, Falkenburg, Biddle and Waggoner:

H. J. R. 278. MOURNING THE DEATH OF MRS. S. VINCENT TOWNSEND, SR.

WHEREAS the Alabama Legislature has noted with a sense of deep regret the passing of Mrs. Townsend of Birmingham; and

WHEREAS Mrs. Townsend contributed immeasurably to the enrichment of our social, cultural and economic lives. She was a diligent and devoted member of the Church of the Advent, the Arlington Historical Association and the Daughters of the American Revolution; and

WHEREAS Mrs. Townsend was a devoted community builder who served her people with great love and dedication; and

WHEREAS Mrs. Townsend was an assistant for more than 20 years to the late K. W. Grimley when he was executive director of the former Alabama T. B. Association and the former Anti-T. B. Association of Jefferson County; and

WHEREAS Mrs. Townsend was the wife and the vice president and assistant to the publisher of the Birmingham News and her advice was often sought by state political leaders; and

WHEREAS Mrs. Townsend is survived by her husband, Mr. S. Vincent Townsend Sr., by a son Mr. S. Vincent Townsend, Jr. and by a daughter, Mrs. William F. O'Conner of Tuscaloosa; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Mrs. S. Vincent Townsend, Sr. and express our deep and sincere sympathy to her widower, Mr. S. Vincent Townsend, Sr., and her family to whom copies of this resolution shall be sent.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 278, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Gafford, Biddle, Albright, Andrews, Armstrong, Baker, Barron, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, and Wyatt:

H. J. R. 277. MOURNING THE DEATH OF JAMES HUBERT KILGORE.

WHEREAS the Alabama Legislature has noted with a sense of deep regret the passing of James Hubert Kilgore of Irondale; and

WHEREAS James Hubert Kilgore was a devoted community builder who served his people with great love and dedication; and

WHEREAS James Hubert Kilgore was elected to the Irondale City Council in 1948 and became mayor in 1952 where he served with outstanding ability until 1967; he was elected to the Alabama House of Representatives in 1966; in 1964 and 1968 he served as a delegate to the Democratic National Convention; and

WHEREAS James Hubert Kilgore worked for 31 years at American Cast Iron and Pipe Company; during that time he was a member of the American League of Municipalities; he served as an elective committee member of the Jefferson County Mayors Association from 1961 to 1964; and

WHEREAS James Hubert Kilgore was on the staff of Positive Maturity, where he helped organize senior citizen recreation centers, assisted in obtaining recreation equipment and supervised the maintenance of buses; he deeply appreciated the needs of senior citizens and strived to serve them in kind and generous manner; and

WHEREAS James Hubert Kilgore was an amateur baseball player and a great and avid hunter, fisherman, and sportsman; and

WHEREAS James Hubert Kilgore reflected the uncommon endowments of foresight, perseverance, and capacity for intelligent leadership and he shall be missed keenly by his host of friends in all walks of life to whom he gave so generously of his talents and friendship; and

WHEREAS James Hubert Kilgore was ever ready to contribute to the needs of his neighbors and for the progress and betterment of his hometown, state and country; and

WHEREAS James Hubert Kilgore exhibited throughout his life those admirable attributes of friendliness, devotion to duty, and concern for his fellowmen. He gained the respect and affection of all who knew him, whether friend or mere acquaintance; and

WHEREAS James Hubert Kilgore is survived by his wife, Mrs. Myrtle Kilgore, by two daughters, Mrs. John Ebell of Jacksonville, Florida, and Mrs. James O. Conway of Birmingham and by his son, Fred L. Kilgore of Pleasant Grove; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of James Hubert Kilgore and express our deep and sincere sympathy to his widow, Mrs. Myrtle Kilgore, and his family to whom copies of this resolution shall be sent.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 277, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Jackson (R):

H. J. R. 281. MEMORIALIZING MAURICE WHITE FOR BREAKING THE SINGLE SEASON RUSHING RECORD OF THE LATE IMMORTAL WILLIE GALIMORE OF FLORIDA A&M UNIVERSITY AND THE CHICAGO BEARS OF THE NATIONAL FOOTBALL LEAGUE.

WHEREAS, Maurice White, a senior running back on the 1975 edition of the Miles College Golden Bear Football teams, did in 1974 break the Southern Intercollegiate Athletic Conference single season rushing record by gaining over 1,200 yards in less than 10 games and 130 rushes; and

WHEREAS, The foregoing record was, when broken by Maurice White of the Miles College Golden Bears, held by the former All-Pro runningback of the National Football League Chicago Bears, the late Willie Galimore of Florida A&M University; and

WHEREAS, Preseason sport forecasters have selected Maurice White as one of the nation's "Outstanding Running Backs"; therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature does commend Maurice White for his accomplishments and exploits on the gridiron of the Southern Intercollegiate Athletic Conference; and

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Maurice White; The President of Miles College; the President of Florida A&M University; the Commissioner of the Southern Intercollegiate Athletic Association; and the Chicago Bears Football Team of the National Football Association.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 281, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## BILL RE-REFERRED

Mr. Ellis moved that the Bill, S. B. 1103, be removed from the Standing Committee on Finance and Taxation and re-referred to the Standing Committee on Local Legislation No. 2, which motion was adopted.

And the President and Presiding Officer of the Senate ordered said Bill, S. B. 1103, re-referred to the Standing Committee on Local Legislation No. 2.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Smith (M), Higginbotham, Turnham and Morris:

H. 1561. To apply in all counties having populations of not less than 35,000 nor more than 38,000, according to the most recent Federal decennial census, to exempt any public water system from the payment of all state, county and municipal sales and use taxes.

Also:

By Messrs. Lee and Owens:

H. 919. To create the office of Deputy District Attorney No. 5 of the Sixth Judicial Circuit and provide for the appointment, duties and compensation of such office.

Also:

By Mr. Moore (O):

H. 1577. Relating to counties having a population of not less than 36,500 nor more than 39,200 according to the most recent federal decennial census; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the county jail of any such counties.

Also:

By Mr. Plaster:

H. 1636. To alter or rearrange the boundary lines of the Town of Lowndesboro, Lowndes County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Lowndesboro, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

## LEGAL NOTICE

STATE OF ALABAMA  
LOWNDES COUNTY

Notice is hereby given pursuant to Section 106 of the Constitution of Alabama 1901 that application will be made to the Legislature of Alabama for the enactment of a local law, the substance of which is as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To alter or rearrange the boundary lines of the Town of Lowndesboro, Lowndes County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Lowndesboro, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the Town of Lowndesboro, Alabama, Lowndes County, Alabama, be, and the same are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the Town of Lowndesboro and in addition thereto the following described territory, to-wit:

North half of Southwest quarter, Section 13 T 15 N, R 14 E, SE  $\frac{1}{4}$  of SW  $\frac{1}{4}$ , Section 13 T 15 N, R 14 E, SE  $\frac{1}{4}$  of NE  $\frac{1}{4}$  Section 13, T 15 N, R 14 E, NW  $\frac{1}{4}$  of NE  $\frac{1}{4}$  Section 24, T 15 N, R 14 E S  $\frac{1}{2}$  of SE  $\frac{1}{4}$  Sec 12 T R

Section 2. That this act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law."

### PROOF OF PUBLICATION

#### COUNTY OF LOWNDES

Before me, the undersigned authority in and for said County in said State, this day personally appeared Cecil B. Cross, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher-Editor of the The Lowndes Signal, a newspaper of general circulation published in Lowndes County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on October 24, October 31, November 7, and November 14, all in the year 1974.

CECIL B. CROSS, JR.

Sworn to and subscribed before me June 11, 1975.

R. R. NORMAN, JR.,  
Notary Public.

Also:

By Mr. Teague:

H. 1637. To provide for the salaries and expense allowances of the circuit clerk and register of the circuit court in all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census and to repeal all conflicting statutes.

Also:

By Mr. Teague:

H. 1638. To provide for additional expense allowances for the tax assessor and tax collector in all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. B.'s 1561, 919, 1577, 1636, 1637 and 1638. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Teague:

H. 1640. To provide for an expense allowance for the Sheriff in all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census; to provide for the salaries of certain deputy sheriffs in such counties and to repeal all conflicting statutes.

Also:

By Mr. McCluskey:

H. 1641. To provide for the salary of the judge of probate of all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census and to repeal all conflicting statutes.

Also:

By Mr. McCluskey:

H. 1654. To provide for the payment of a county supplement to the salary paid by the state for the assistant district attorney in all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census.

Also:

By Mr. McCluskey:

H. 1655. Relating to all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census; to provide for the salaries of the judges of the county courts and the clerk of the county courts that are located at a place other than the county seat in such counties and to provide for an expense allowance for said judges in such counties.

Also:

By Mr. McCulley:

H. 1656. Relating to Washington County; to provide an additional expense allowance for members of the county school board.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Washington County; to provide an additional expense allowance for members of the county school board.



Be It Enacted by the Legislature of Alabama:

Section 1. Members of the Washington County school board shall be entitled to an additional expense allowance of \$200 per month to be paid from the same funds as their other compensation is paid. The expense allowance provided for by this act shall be in addition to any and all other salary, compensation and expense allowances provided for by law.

Section 2. The provisions of this act shall become effective on the first day of the month following the date upon which this act becomes law.

### PROOF OF PUBLICATION

#### STATE OF ALABAMA COUNTY OF WASHINGTON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Dalton Jackson, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Call-News Dispatch, a newspaper of general circulation published in Washington County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 26, July 3, July 10, and July 17, all in the year 1975.

DALTON JACKSON.

Sworn to and subscribed before me Aug. 18, 1975.

ANNETTE R. BAXTER,  
Notary Public.

Also:

By Messrs. Holley and Folmar:

H. 1657. To amend Act No. 274, S. 111, Second Special Session 1971 (Acts 1971, p. 4542), entitled, "An Act Relating to counties having populations of not less than 34,100 nor more than 34,900 according to the most recent federal decennial census; to provide for an annual expense allowance for the deputy district attorney of such counties," so as to provide further for the expense allowances of such deputy district attorneys.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. B.'s 1640, 1641, 1654, 1655, 1656, 1657. To the Committee on Local Legislation No. 1.

### BILLS ON THIRD READING RESUMED

The Bill:

H. 899. Relating to the regulated loan business; providing for regulation, examination, investigation, and licensing of individuals, firms,

and corporations engaged in the business of making regulated loans and for the suspension and revocation of licenses issued hereunder for specified reasons; prescribing maximum rates of interest and other charges for loans; providing for the administration and enforcement of the Act, prescribing penalties, providing for the proper repeal of existing laws, including Section 18 (F) of Act No. 2052, S. B. 122 of the Regular Session of 1971, approved October 1, 1971, relating to loans over \$300.00 and Act No. 374, H. B. 102 of the Regular Session of 1959, approved November 6, 1959, relating to the small loan business and Act No. 159, H. B. 233, approved June 23, 1945 (General Acts of Alabama, 1945, page 200), relating to the small loan business and providing for regulation of the same.

was taken up.

Mr. Stewart offered the following amendment to the Bill, H. B. 899, to-wit:

#### AMENDMENT TO H. B. 899

Amend S. B. 899 Page 13 Line 30, by striking out Section 3 in its entirety and by renumbering the remaining sections in proper numerical sequence.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 868. To rename the football stadium on the University of Alabama campus the Bryant-Denny Stadium.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 235. MOURNING THE DEATH OF MR. MARLIN G. SATTERFIELD.

Also:

H. J. R. 236. MOURNING THE DEATH OF LEWIS COOPER, JR.

Also:

H. J. R. 238. HONORING NELLIE IRENE JONES JAYNE UPON HER SIXTY-SIXTH BIRTHDAY.

Also:

H. J. R. 242. COMMENDING PRATTVILLE SENIOR BABE RUTH TEAM.

Also:

H. J. R. 243. MOURNING THE DEATH OF MRS. MARTHA WHITBURLESON SMITH.

Also:

H. J. R. 245. MOURNING THE DEATH OF EZEKIAL PINKARD.

Also:

H. J. R. 264. COMMENDING MISS JACQUELYN ELAINE MASSEY UPON BEING CHOSEN "WORLD'S LITTLE LOVELY LADY FOR 1975."

Also:

H. J. R. 277. MOURNING THE DEATH OF JAMES HUBERT KILGORE.

Also:

H. J. R. 278. MOURNING THE DEATH OF MRS. S. VINCENT TOWNSEND, SR.

Also:

H. J. R. 281. MEMORIALIZING MAURICE WHITE FOR BREAKING THE SINGLE SEASON RUSHING RECORD OF THE LATE IMMORTAL WILLIE GALIMORE OF THE FLORIDA A&M UNIVERSITY AND THE CHICAGO BEARS OF THE NATIONAL FOOTBALL LEAGUE.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, had compared the following enrolled Senate Bill and Senate Joint Resolutions with the original Senate Bill and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 868. To rename the football stadium on the University of Alabama campus the Bryant-Denny Stadium.

Also:

S. J. R. 92. Naming the "Joe Wheeler State Parkway."

Also:

S. J. R. 94. Lamenting the attempted assassination of Judge Arthur Gamble, Jr.

Also:

S. J. R. 95. Naming the "Point Mallard Parkway."

E. C. FOSHEE,  
Chairman.

### SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bill and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

### BILLS RE-REFERRED

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the Bills, H. B.'s 326 and 1049, and ordered same returned to the Senate with the recommendation that they be referred to the Standing Committee on Finance and Taxation.

And the President and Presiding Officer of the Senate ordered said Bills, H. B.'s 326 and 1049, re-referred to the Standing Committee on Finance and Taxation.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 1053. To name the gymnasium at George C. Wallace State Community College after Mrs. Annie Lee Cherry.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, Little, Littleton, McDonald (A), Mims, Noonan, Pearson, Perry, Shelby, Stewart, Vacca, Waldrop.

—20

Nays:

—0

### RESOLUTIONS

Mr. Pearson offered the following Senate Joint Resolution, to-wit:

S. J. R. 106. DESIGNATING THE RACKING HORSE AS THE OFFICIAL STATE HORSE.

WHEREAS the Racking horse is a widely recognized breed of horse; and

WHEREAS the racking horse is similar to the Tennessee Walking Horse and shares many admirable qualities of that breed; and

WHEREAS the Racking horse is widely admired for its smooth gait, its powers of endurance and its ability to maintain a rapid pace for long periods of time; and

WHEREAS the Racking horse is beyond any doubt the horse most fitting to be designated as the official state horse for the State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Racking horse is hereby designated and named the official state horse for the State of Alabama.

Which was read and referred to the Standing Committee on Rules.

Mr. Adams offered the following Senate Resolution, to-wit:

S. R. 107. COMMENDING MRS. S. A. CHERRY OF THE STATE BOARD OF EDUCATION AND WISHING HER A HAPPY BIRTHDAY.

WHEREAS Mrs. S. A. Cherry of Dothan, Alabama has been repeatedly recognized as one of Alabama's outstanding civic and political leaders; and

WHEREAS Mrs. Cherry has been active and resourceful in dealing with Alabama's educational problems; and

WHEREAS Mrs. Cherry was elected to the first elected State Board of Education of Alabama in 1971; and

WHEREAS she has an upcoming birthday; now therefore

BE IT RESOLVED BY THE ALABAMA SENATE, That we heartily commend Mrs. Cherry's association with the State Board of Education and wish her many happy returns on her upcoming birthday.

BE IT FURTHER RESOLVED, That Mrs. Cherry receive a copy of this resolution.

On motion of Mr. Adams, the Rules were suspended and the Resolution was adopted by the Senate.

#### FURTHER CONSIDERATION OF H. B. 899

The Senate proceeded to further consideration of the Bill, H. B. 899. The question was on the amendment offered by Mr. Stewart.

Mr. Stewart moved that further consideration of the Bill, H. B. 899, and pending amendment, be postponed until the next Legislative Day. On motion of Mr. Powell, the motion to postpone was laid on the table.

Mr. Stewart then moved that further consideration of the Bill, H. B. 899, and pending amendment, be postponed until the Twenty-ninth Legislative Day. On motion of Mr. Fine, the motion to postpone was laid on the table.

Yeas 18; Nays 10.

*Yeas:*

Messrs. Adams, Clemon, Fine, Foshee, Gilmore, Givhan, Jones, Littleton, McDonald (S), Mims, Mitchell, Pearson, Perloff, Powell, St. John, Torbert, Vacca, Wilson.

—18

*Nays:*

Messrs. Baker, Ellis, Flippo, King, Little, McDonald (A), Owen, Perry, Stewart, Waldrop.

—10

Mr. Flippo moved that further consideration of the Bill, H. B. 899 and pending amendment, be postponed until the Thirtieth Legislative Day.

#### RESOLUTION

Mr. Fine offered the following Senate Joint Resolution, to-wit:

S. J. R. 108. APPROVING THE ATTENDANCE OF THE CHAIRMEN OF THE SENATE AND HOUSE CONSERVATION COMMITTEES AT THE ANNUAL MEETING OF THE INTERSTATE CONFERENCE ON WATER PROBLEMS AND TO REIMBURSE THEM FOR THEIR ORDINARY AND NECESSARY EXPENSES.

WHEREAS, The State of Alabama with its extensive network of rivers and streams and together with its coastal lands establish water problems as a matter of great concern to the people of Alabama and thereby to the Legislature; and

WHEREAS It is in the best interest of the State of Alabama that adequate studies of our water problems be conducted by our Conservation committees and attendance by the Chairmen of these committees at the National Conference on Water Problems would be most beneficial, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the chairmen of the Senate and House Conservation Committees are authorized to attend the National meeting of the Interstate Conference on Water Problems on October 12 through 16 and that they be reimbursed for ordinary and necessary expenses for attending this important conference from the funds appropriated to the use of the Alabama Legislature upon the certificate of the Secretary of the Senate and the Clerk of the House.

On motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Waggoner, Jackson (R), Gafford, Armstrong, Jolly, Moore (O), Tucker and Hilliard:

H. 1453. To adjust the salary of Circuit Clerks in all counties of 600,000 population or more, according to the last or any subsequent Federal Census, to the end that the salary of such Clerks shall be increased by the same percentage as the salaries of other county employees of such counties have theretofore been increased; to provide further for supernumerary status for such Clerks of the Circuit Courts of such counties who have served no less than twenty-five years as such circuit Clerk and who are not less than sixty-five (65) years of age and to fix the salary and method of payment for such supernumerary Circuit Clerks; to provide further for the transfer to the county general fund of moneys held in any county retirement system for the benefit of any Circuit Clerk who elects to come under the provisions of this Act.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 1453. To the Committee on Local Legislation No. 2.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Clark:

H. 1535. Relating to all counties having populations of 10,660 inhabitants or less according to the most recent federal decennial census, to provide an additional expense allowance for the county commission.

Also:

By Mr. Clark:

H. 1536. Relating to all counties having populations of 10,660 inhabitants or less according to the most recent federal decennial census, to provide an additional clerk hire allowance for the tax assessor.

Also:

By Mr. Smith (M):

H. 1619. To provide for the election of members of the county board of education of Chambers County, Alabama; to define the school districts from which the members of the county board of education are elected.

With notice and proof thereto attached and herewith exhibited as follows:

### A BILL TO BE ENTITLED AN ACT

To provide for the election of members of the county board of

education of Chambers County, Alabama; to define the school districts from which the members of the county board of education are elected.

Be It Enacted by the Legislature of Alabama:

Section 1. For the purposes of this act and for future election of members to the county board of education of Chambers County, said county is hereby divided into two districts, to be numbered one and two. District 1 shall be composed of Beats 7 and 13 less the city of Lanett.

District 1 shall have three (3) places on the board of education. The three places shall be designated as Place 1, Place 2, and Place 3 and a member shall be elected to each place. District 2 shall be the remainder of the county. It shall have two (2) places on the board of education which shall be designated Place 4 and Place 5 and a member shall be elected to each place.

Section 2. After this act takes effect, a member of the board of education of Chambers County shall be nominated and elected for each of the places of the two school districts of the county, by the qualified electors of the county at large, at the next regular election held in the county. At said general election members shall be elected as follows: A member for Place 1, District 1 and a member for Place 4, District 2 shall be elected for a term of two years; a member of Place 2, District 1 and a member for Place 5, District 2 shall be elected for a term of four years; and a member for Place 3, District 1 shall be elected for a six year term. Upon the expiration of the terms of office of members elected in said general election as provided by this section, the term of their successors shall be six years as provided by the laws of this state for school board members.

Section 3. Members of the school board elected under the provisions of Section 2 of this act shall take office at the first meeting of the Chambers County Board of Education following their election.

Section 4. Members of the school board who are presently serving shall remain in office until their successors are elected and qualified as provided in Section 2 of this act.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

#### STATE OF ALABAMA COUNTY OF CHAMBERS

Before me, the undersigned authority in and for said County in said State, this day personally appeared Mark T. Walls, who being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Valley Times News, a newspaper of general circulation published in chambers County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 8, July 15, July 22, and July 29, all in the year 1975.

MARK T. WALLS,  
Publisher.



Sworn to and subscribed before me August 15, 1975.

BETTY V. SORRELL,  
Notary Public.

My Commission Expires July 5, 1976.

Also:

By Messrs. McCluskey and Teague:

H. 1639. To provide for the salaries of the clerical assistant to the district attorney and the court reporters in all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census.

Also:

By Messrs. Clark and Manley:

H. 1661. Relating to counties having populations of 10,660 or less inhabitants according to the most recent federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit the sale of draft or keg beer in such counties.

Also:

By Mr. Reed:

H. 1662. Relating to all counties having populations of not less than 24,500 nor more than 25,000 according to the most recent federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit in such counties the handling and sale of "table wines" as therein defined and distinguished from "fortified wines" in manner similar to the procedure by which beer, malt or brewed beverages are now sold.

Also:

By Messrs. Holmes, Wyatt and Lewis:

H. 1299. To amend Act 618 of the Regular Session of 1973 to provide further concerning the power of the council.

Also:

By Messrs. Holmes, Wyatt and Lewis:

H. 1301. To amend Act 618 of the Regular Session of 1973 to provide further concerning the powers and duties of the mayor.

Also:

By Mr. Wyatt:

H. 1506. Relating to all counties having populations of not less than 150,000 nor greater than 180,000 according to the most recent federal decennial census; to regulate the hours and times that alcoholic beverages may be sold, served, or given away in public places and to remove restrictions on the gift, sale, service or consumption of alcoholic beverages in public places to or by persons not seated at tables.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. B.'s 1535, 1536, 1619, 1639, 1661, 1662, 1299, 1301 and 1506. To the Committee on Local Legislation No. 1.

## FURTHER CONSIDERATION OF H. B. 899

The Senate proceeded to further consideration of the Bill, H. B. 899, and pending Stewart amendment. The question was on the motion of Mr. Flippo that further consideration of the Bill be postponed until the Thirtieth Legislative Day.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Hilliard, Jackson (R), Jolly, Hopping and Hall:

H. 1294. To allow any city having a population of not less than 19,750 nor more than 21,750, and any city having a population 300,000 or more, all according to the most recent federal decennial census to sell to a licensed gun dealer or to maintain for its own use any gun seized under the provisions of Section 173, 174, or 175 of Title 14 of the Code of Alabama 1940, as amended.

Also:

By Mr. Andrews:

H. 1321. To apply to every county of the State having a population of 600,000 or more according to the last or any subsequent Federal census; to provide that the governing body of any such county may provide by ordinance for taking possession of, storing and selling any abandoned, stolen or contraband property found in the county; to provide that any such ordinance may prescribe the conditions on which such property may be taken into possession, stored and sold; and to provide what other provisions any such ordinance shall contain.

Also:

By Mr. Andrews:

H. 1322. To apply to every county of this State having a population of 600,000 or more according to the last or any subsequent Federal census; to provide that the governing body of any such county shall be authorized to provide an auxiliary courtroom for any inferior court established in the county if public need and public interest so require and to discontinue any such auxiliary courtroom the maintenance of which public need and public interest do not require.

Also:

By Mr. Waggoner:

H. 1454. To add to the land limits of the City of Vestavia Hills in Jefferson County, Alabama, by removing certain areas now part of the

unincorporated area of Jefferson County, Alabama, and adding same to the land limits of the City of Vestavia Hills, and to describe the area so removed from the unincorporated area of Jefferson County, Alabama, and so added to the City of Vestavia Hills.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE  
A BILL  
TO BE ENTITLED  
AN ACT

To add to the land limits of the City of Vestavia Hills in Jefferson County, Alabama, by removing certain area now part of the unincorporated area of Jefferson County, Alabama, and adding same to the land limits of the City of Vestavia Hills, and to describe the area so removed from the unincorporated area of Jefferson County, Alabama, and so added to the City of Vestavia Hills.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the City of Vestavia Hills in Jefferson County, Alabama, are altered, rearranged and extended to include within the corporate limits of said City, the parcels of land hereinafter described, and to exclude the same from the unincorporated area of Jefferson County, Alabama, as follows:

PARCEL 1: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28 in Block 10, according to the survey of South Birmingham Heights as recorded in Map Book 7, Page 41 in the Probate Office of Jefferson County, Alabama.

PARCEL 1: (A) Acreage Tracts 33 and 13, situated in Section 30, Township 18, Range 2 West, Jefferson County, Alabama, being more particularly described as follows:

SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  Lying East of U. S. Highway Number 31 in said Section 30, Township 18, Range 2 West; and

(B) Acreage Tract 5, situated in Section 31, Township 18, Range 2 West, Jefferson County, Alabama, being more particularly described as follows:

NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  lying East of U.S. Highway Number 31 in said section 31, Township 18, Range 2 West.

PARCEL III: (A) Lot 16 in Block 7, according to the survey of First Addition to Shades Park as recorded in Map Book 8, Page 22 in the Probate Office of Jefferson County, Alabama; and

(B) Lots A, 1, 2, 3, 4, 5, 6, 7, 8, and 15 in Block 6, according to the survey of Second Addition to South Vestavia Estates as recorded in Map Book 52, Page 76 in the Probate Office of Jefferson County, Alabama; and

Lots 1, 2, 3, 4, 5, 7, and 9 in Block 7, according to the survey of Second Addition to South Vestavia Estates as recorded in Map Book 52, Page 76 in the probate Office of Jefferson County, Alabama; and

Lots 1, 3, 4, 5, and 6 in Block 8, according to the survey of Second Addition to South Vestavia Estates as recorded in Map Book 52, Page 76 in the Probate Office of Jefferson County, Alabama; and

(C) Lots 1, 2, 3, 4, 5, 6-A, 6-B, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19-A and 19-B, according to the survey of Lewis Addition to Vestridge as recorded in map Book 101, Page 38 in the Probate Office of Jefferson County, Alabama; and

(D) Lot 1, according to the survey of Hutchinson Subdivision as recorded in Map Book 62, Page 51 in the Probate Office of Jefferson County, Alabama; and

(E) Acreage Tract 5, situated in Section 1, Township 19, Range 3 West, Jefferson County, Alabama, being more particularly described as follows: Commence at the section corner of said  $\frac{1}{4}$ - $\frac{1}{4}$  section thence north along east line 47.50 feet to point of beginning, thence 86 degrees 58 minutes left 3000 feet, thence 86 degrees 54 minutes right 120 feet to southeasterly right-of-way public road and the intersection of a curve which radius is 165 feet and sub by a central angle of 11 degrees 40 minutes, thence northeasterly along arc of a curve 33.60 feet, thence east 274.97 feet to a point on the east line said  $\frac{1}{4}$ - $\frac{1}{4}$  section which is 150 feet north of point of beginning, thence 87 degrees 57 minutes right 150 feet to point of beginning; and

(F) Acreage Tract 6, situated in Section 1, Township 19, Range 3 West, Jefferson County, Alabama, being more particularly described as follows: Commence at SE corner of said  $\frac{1}{4}$ - $\frac{1}{4}$  section, thence north along east line 547.5 feet to point of beginning, thence continue same course 150 feet, thence 88 degrees 56 minutes left 250 feet, thence 91 degrees 08 minutes left 145.71 feet, thence 87 degrees 53 minutes left 249.97 feet to point of beginning; and

(G) Acreage Tract 80, situated in Section 1, Township 19, Range 3 West, Jefferson County, Alabama, being more particularly described as follows: Commence at the SE corner of the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of said section, thence northerly along east line 697.5 feet to point of beginning, thence 88 degrees 56 minutes left in a westerly direction 150 feet, thence 104 degrees 57 minutes right northeasterly 181.17 feet, thence 75 degrees 03 minutes right easterly 100 feet, thence 88 degrees 56 minutes right southerly 175.07 feet to point of beginning; and

(H) Acreage Tract 81, situated in Section 1, Township 19, Range 3 West, Jefferson County, Alabama, being more particularly described as follows: Commence at the SE corner of the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of said section, thence north 697.5 feet, thence west 150 feet for a point of beginning, thence right 104 degrees 57 minutes northeast 181.17 feet, thence west 175 feet, thence south 175.07 feet, thence east to point of beginning; and

(I) Acreage Tract 115, situated in Section 1, Township 19, Range 3 West, Jefferson County, Alabama, being more particularly described as follows: Commence at the SE corner of the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of said section, thence north along the east line of said  $\frac{1}{4}$ - $\frac{1}{4}$  section 712.5 feet, thence left 88 degrees 56 minutes westerly 304.51 feet for a point of beginning, continue last named course 227.15 feet, thence left 91 degrees 14 minutes southerly 15 feet, thence west to the SE corner of the Empire Building Company Survey, thence northeasterly along the east line of said

survey 200 feet, thence east to north line of section 202.67 feet, thence south 145.07 feet, thence west 28.95 feet, thence south 15 feet to point of beginning; and

(J) Acreage Tract 116, situated in Section 1, Township 19, Range 3 West, Jefferson County, Alabama, being more particularly described as follows: Commence at the SE corner of the NW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of said section, thence north along the east line of said  $\frac{1}{4}$ - $\frac{1}{4}$  section 712.5 feet, thence left 88 degrees 56 minutes westerly 304.51 feet for a point of beginning, continue last named course 227.15 feet, thence left 91 degrees 14 minutes southerly 216.29 feet to a point on a curve right having a central angle of 3 degrees 24 minutes and a radius of 137.98 feet, thence along the arc of said curve 8.17 feet to a point of tangent of said curve, thence along said tangent 45.9 feet to a point of a curve left having a central angle of 27 degrees 42 minutes and a radius of 147.24 feet, thence along an arc of said curve 69.39 feet to a point of a compound curve having a central angle of 12 degrees 53 minutes and a radius of 314.48 feet, thence along the arc of said curve 70.71 feet to a point of tangent, thence along said tangent 2.56 feet to the point of the curve to the left having a central angle of 57 degrees 17 minutes and a radius of 135 feet, thence along arc of said curve 134.93 feet to a point of tangent, thence along said tangent 24.37 feet to the point of the curve left having a central angle of 88 degrees 52 minutes and a radius of 25 feet, thence along an arc of said curve 38.59 feet to a point of tangent, thence right 90 degrees northerly 15 feet to the point of beginning; and

(K) Acreage Tract 117, situated in Section 1, Township 19, Range 3 West, Jefferson County, Alabama, being more particularly described as follows: Commence at the SE corner of the NW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of said section, thence north along the east line of said  $\frac{1}{4}$ - $\frac{1}{4}$  section 712.5 feet, thence left 88 degrees 56 minutes westerly 531.66 feet, thence 91 degrees 14 minutes left southerly 15.24 feet to a point of beginning, thence continue 200.82 feet to the northerly right-of-way line of public road, thence along an arc curve left 78.58 feet, thence along a tangent 84.60 feet, thence 139 degrees 58 minutes right northeasterly 277.37 feet, thence 70 degrees 00 minutes right easterly 46.55 feet to a point of beginning.

Section 2. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### STATE OF ALABAMA COUNTY OF JEFFERSON

On this 29th day of July A. D. one-thousand nine hundred and 75 personally appeared before me, Charles E. Brown a Notary Public in and for the County and State aforesaid Arthur P. Cook who being duly sworn according to law, declares that he is President of Shades Valley Sun a newspaper published in the City of Homewood, in the County of Jefferson, State of Alabama, and that the advertisement, a true copy of which is herewith attached, appeared in Shades Valley Sun on the following dates: June 12, 1975; June 19, 1975; June 26, 1975; July 3, 1975.

ARTHUR P. COOK.

Subscribed and sworn to before me this 29th day of July A. D. 1975.

CHARLES E. BROWN,  
Notary Public.

Also:

By Mr. Clark:

H. 1532. Relating to all counties having populations of 10,660 inhabitants or less according to the most recent federal decennial census to authorize the county commission to design, accept designs, and adopt an official county flag; to expend funds necessary for the making and designing an official flag of said county.

Also:

By Mr. Clark:

H. 1533. Relating to all counties having populations of 10,660 inhabitants or less according to the most recent federal decennial census, to provide a clerical assistant to the tax collector.

Also:

By Mr. Clark:

H. 1534. Relating to all counties having populations of 10,660 inhabitants or less according to the most recent federal decennial census, to provide an additional expense allowance for the circuit clerk and register.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B.'s 1294, 1321, 1322 and 1454. To the Committee on Local Legislation No. 2.

H. B.'s 1532, 1533 and 1534. To the Committee on Local Legislation No. 1.

#### FURTHER CONSIDERATION OF H. B. 899

The Senate proceeded to further consideration of the Bill, H. B. 899, and pending Stewart amendment. The question was on the motion of Mr. Flippo that further consideration of the Bill be postponed until the Thirtieth Legislative day.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. White, Andrews, Gafford, Biddle, Weeks, Greer, Starkey, Hines, Sasser, Sonnier, Owens, Quarles, Moore (O), Carothers, Smith (B), Pegues, Campbell, Kinsey, Hopping, Goodwin, Williams, Burgess, Ford, McCulley, McMillan, Higginbotham, Warren, Wyatt, McNair, Cates, Waggoner, Holley, Callahan, Dial, Edwards, Moore (W), Carter, Boles, Roberts, Kelley, Smith (C), Holmes, Hall,

Robertson, Malone, Reed, Plaster, LeFlore, Howard, Johnson, Sandusky, Barron, Venable, McNees, Trammell and Riddick:

H. 300. To provide a definite statute of limitations in liability actions; to eliminate the ad damnum clause in complaints alleging liability; to define the duty of care; to require warranties of cure to be in writing; to prevent advance payments from being considered admissions of liability. In lieu of the scintilla rule, to require evidence of substantial weight and provative effect in medical liability actions; to provide for periodic payments of awards in medical liability actions; to authorize the Insurance commissioner to establish a joint underwriting association and to provide rules for such joint underwriting association; to provide for voluntary arbitration of disputes; and to require insurance carriers to report claims and costs incurred to the Insurance Commissioner.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 300. To the Committee on Health and Welfare.

### RESOLUTION

Messrs. McMillan, Gilmore, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Waldrop, Weaver, Wilson offered the following Senate Joint Resolution, to-wit:

#### S. J. R. 111. WISHING SENATOR PAT VACCA A HAPPY BIRTHDAY

WHEREAS, Our esteemed colleague, Senator Paschal P. Vacca, is to celebrate his 74th birthday this Saturday; and

WHEREAS, The dean of the Jefferson County delegation, though mature and mellow in his later years, is as young in spirit as the youngest of us; and

WHEREAS, Senator Vacca has served faithfully and well in the House and Senate for a combined total of 17 years, and has justly earned the reputation of being one of the fairest, kindest and hardest-working members of this body; and

WHEREAS, His patient and persistent efforts in the field of automobile safety have probably saved countless lives and earned for him the title of "Mr. Safety"; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we heartily congratulate our friend, Pat Vacca, upon reaching his 74th year in such good shape, and wish for him 74 more.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Senator Vacca.

On motion of Mr. McMillan, the Rules were suspended and the Resolution was adopted by the Senate.

#### FURTHER CONSIDERATION OF H. B. 899

The Senate proceeded to further consideration of the Bill, H. B. 899, and pending Stewart amendment. The question was on the motion of Mr. Flippo that further consideration of the Bill be postponed until the Thirtieth Legislative Day.

#### BILLS ON THIRD READING RESUMED

The Bill:

S. 139. To abolish the Alabama Commission of Higher Education; and to make an appropriation to cover the cost of winding up the business and affairs of such commission.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 139, to-wit:

#### COMMITTEE SUBSTITUTE FOR S. B. 139

##### A BILL TO BE ENTITLED AN ACT

To abolish the Alabama Commission on Higher Education and the Alabama Educational Study Commission; to provide for a continuous study of public education in Alabama by creating the Alabama commission on education; to prescribe its composition, powers, duties and to transfer all real and personal property and all appropriations from the said abolished commission to the said created commission and to repeal all conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. The Alabama Commission on Higher Education as established and regulated by Act No. 14, H. 5, Regular Session 1969 [Acts 1969, p. 28, now appearing in Code of Alabama Recompiled 1958, Title 52, Section 513 (84-93)] and the Alabama Educational Study Commission as created and regulated by Act No. 15, H. 42, Regular Session 1969 [Acts 1969, p. 35, now appearing in Code of Alabama Recompiled 1958, Title 52, Section 513 (94-99)] are hereby abolished.

Section 2. There is hereby created the Alabama Commission on Education, hereinafter referred to as "the commission," which shall be composed of nine (9) members appointed as follows: The Governor shall appoint three members, the presiding officer of each house shall appoint three members; these appointees to be confirmed by and with the consent of the Senate. All vacancies on the commission shall be filled by appointment by the appointing authority for the unexpired term. The members of the commission shall continue to serve after the expiration of their terms until their successors have been appointed or qualified. The commission shall meet at times and places determined by it, and the members shall be entitled to receive fifty dollars (\$50.00) per diem and mileage on actual meeting days.



Section 3. The commission shall hold an organizational meeting within thirty days from the effective date of this act, and shall elect a chairman and vice-chairman from among its members. Five members of the commission shall constitute a quorum. The commission shall act only by a vote of a majority of its existing members.

Section 4. The commission shall have the authority to employ an executive secretary and such other personnel as, in its discretion, is needed for the performance of its duties. The commission shall also have the power to contract for research, legal, consultant, and other advisory and professional services, and for the making of surveys, audits, and any other studies it deems necessary. All regular employees of the commission, except the executive secretary, shall be subject to the merit system. Persons rendering services pursuant to contract shall not be subject to laws relating to public employees of the state, but shall be compensated out of funds made available to the commission in such amounts as may be fixed by the commission. All fulltime professional and administrative staff personnel of the Commission shall be eligible to participate in the state teacher's retirement system.

Section 5. The commission is authorized and directed to report to the legislature at each regular session with respect to the following:

(a) An analysis and evaluation of current educational programs and policies, and recommendations for changes and improvements therein.

(b) The financial needs for public education in the state, for each one year period, sub-divided and classified with such detail as may be found practicable. The report shall include estimates of revenue from existing sources and recommended increases or decreases, separately divided or classified as to each school district or unit and for each county, and for the state as a whole to the extent practicable, together with a summary of the basis for any changes recommended with reference to sources of revenue. The report shall include estimated requirements separately with respect to primary schools, secondary schools, institutions of higher learning and other educational facilities and institutions, whether existing or proposed.

(c) The commission's recommendations and findings as to the responsibility of the State to provide revenue and appropriations with respect to primary schools, secondary schools, institutions of higher learning, and other educational facilities and institutions, properly classified as to each.

(d) The commission's recommendations concerning the responsibility of local support for primary and secondary schools within the separate counties, the effort currently being made at such local level, and the extent of local effort which should be provided in each such county or school system.

(e) Estimated requirements for capital outlay with respect to each classification of schools for buildings and other facilities.

(f) Recommendations as to the methods of financing of capital and operating requirements as to each type of educational institution and the division of public funds for educational purposes between the various types of educational institutions.

Section 6. The State Superintendent of Education, and all local boards of education and boards of trustees of the institutions of higher

learning shall, on request of the commission, furnish to the commission information relative to the funds or sources from which the schools or institutions subject to their supervision, management, control, or operation, are currently receiving or entitled to revenue. The State Superintendent of Education, the State Department of Revenue, and all other departments and administrative divisions of the state, all counties, cities, and other municipal corporations, all colleges, universities, and other public educational institutions, all officers and employees thereof, and all local school boards shall also, upon request therefor, furnish to the commission such studies, surveys, statistics, and other information as they may have available. Any state, county, or municipal agency or institution shall make offices, supplies, and personnel available to the commission without charge to the extent consistent with the adequate performance of the functions of such agency. The commission shall have full power and authority to summon and examine all school and college officials and local and state officials and require the production of such books, papers, documents, records, and memoranda, as may be necessary to the discharge of its responsibilities hereunder. In the performance of its duties the commission is authorized to utilize the services, information, facilities, and personnel of any department or agency in the State Government to the extent consistent with the functions of such agency.

#### Section 7. State University and College Information System.

The Commission, after affording a full opportunity to the public institutions of higher education to be heard, shall design and establish a State University and College Information System to provide comprehensive, meaningful, and timely information pertinent to the formulation of decisions and recommendations by the Commission. The information submitted by the public institutions of higher education shall be in comparable terms and the reports developed through the system shall conform to the procedures established by the Commission.

The Commission shall use advisory committees to study methods and proposals for coordinating efforts of all such institutions in providing a stimulating and enriched educational environment for the citizens of this State and such other advisory committees as the Commission may deem desirable.

#### Section 8. Coordination of Programs in Instruction, Research, or Public Service.

The Commission on Higher Education is authorized to review periodically all existing programs of instruction, research, and public service funded by state appropriations at the State Universities and colleges and to share with the appropriate governing board, through the president of the institution, its recommendations.

The Commission shall seek through the use of advisory committees to study needless duplication of education, research or service programs and programs which are not adequately provided in the state, and shall make findings and recommendations to the institutions that would strengthen the total program of higher education in the state.

The governing boards of public institutions of higher education in this State and the campuses under their governance or supervision shall not hereafter undertake the establishment of any new unit of instruction, research, or public service with state funds before submitting plans for the

new unit to the Commission for its review, evaluation, and approval. No state funds shall be expended by any public institution on any new unit which has not been approved by the Commission. Nothing in this provision, however, shall be construed to prohibit any institution of higher education in this State from seeking and securing by separate act the approval of the Legislature for the proposed unit if the Commission has denied its approval, in which case the action of the Legislature, when approved by the Governor or otherwise upon becoming law, is final. The term "new unit of instruction, research or public service" includes the establishment of a college, school, division or institute, and includes the establishment of any new branch or campus. The term does not include reasonable extensions or alterations of existing curricula, research, or public service programs which have a direct relationship to existing programs; and the Commission may, under its rule-making power, define the character of such reasonable extensions and alterations.

#### Section 9. Budget Proposals and Recommendations.

The governing boards of the public institutions of higher education shall submit to the Commission through their appropriate administrative officers, not later than ninety days prior to each legislative session, its budget proposals for the operation and capital needs of the institution under its governance or supervision. The Commission shall receive, evaluate and coordinate budget requests for the public institutions of higher education of this State, shall hold open hearings on the budget requests of the separate institutions and shall present to each institution and to the Legislature, a single unified budget report containing budget recommendations for separate appropriations to each of the institutions. The consolidated budget and analysis of the Commission shall be accompanied by the original requests and their justifications as submitted by each institution. The recommendations of the Commission may be based upon standard techniques of objective measurement, need and unit cost figures arrived at through the use of comparative and verified data secured from the various institutions, applied in an impartial and objective manner, and comparison shall be made not only between similar functions of institutions in Alabama but also between Alabama institutions and similar functions of institutions located in other states, provided that nothing herein shall be construed to prohibit any institution of higher education in this State from submitting any matter pertaining to the financial operation and needs of said institution to the Legislature or to the Governor at any time.

Section 10. Consistent with the abolition provision in Section 1 of this act, all property, real and personal, and all funds which have been appropriated to the Alabama Commission on Higher Education and the Alabama Educational Study Commission are hereby transferred to the Alabama Commission on Education.

Section 11. The commission is authorized to accept gifts, devises or bequests and expend the same to carry out the provisions of this act.

Section 12. For the purpose of completing the tasks previously undertaken by the Commission, publishing its final reports and otherwise winding up its business and affairs there is hereby appropriated out of the Special Educational Trust Fund the sum of \$25,000 or so much thereof as may be needed for such purpose.

Section 13. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. All laws or parts of laws in conflict with this act are hereby repealed and Act No. 14, H. 5, Regular Session 1969 (Acts 1969, p. 28 now appearing in Code of Alabama Recompiled 1958, Title 52, Section 513 (84-93) ) are hereby specifically repealed.

Section 15. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Mr. Foshee, said substitute was laid on the table.

Mr. McDonald (S) offered the following substitute for the Bill, S. B. 139, to-wit:

#### SUBSTITUTE FOR S. B. 139

#### A BILL TO BE ENTITLED AN ACT

To amend and reenact Act No. 14, H. 5, Special Session 1969 (Acts 1969, p. 28) establishing the Alabama Commission on Higher Education so as to change the name of the Commission, provide further for the membership of the Commission, to provide the Commission with the authority of approval for new units of instruction, research and public service, to provide a procedure for legislative appeal of decisions of the Commission, and to authorize the commission to accept gifts, devises, grants and bequests.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 14, H. 5, Special Session 1969 (Acts 1969, p. 28) is hereby amended and reenacted and as so amended and reenacted shall read as follows:

"An Act To establish the Alabama Commission on Higher Education for the general purpose of promoting an educational system that will provide the highest possible quality of collegiate and university education to all persons in the state able and willing to profit from it; to provide through the Commission for continuous study, analyses, evaluation, planning, reporting, recommendations, and review and approval of new units of instruction, research, and public service as a basis for long-range planning with established priorities on a state-wide basis to assure a sound, vigorous, progressive and co-ordinated system of higher education for this state."

"Be It Enacted by the Legislature of Alabama:

"Section 1. Definitions. The following terms shall have the meanings respectively prescribed for them, except when the content otherwise requires:

"(a) 'Public Institutions of Higher Education' shall mean those public educational institutions in Alabama which have been authorized by the Legislature to provide formal education, including vocational technical, collegiate, professional, or any other form of education, above the secondary school level.

"(b) 'Commission': The Alabama Commission on Higher Education created by this act."

"Section 2. The Commission heretofore established pursuant to this act, is hereby abolished and reestablished. Hereafter such Commission shall consist of eleven voting and two non-voting members, seven of whom shall be appointed by the Governor by and with the advice and consent of the Senate. Of the seven persons appointed by the Governor, one person shall be appointed from each United States Congressional District in Alabama and shall reside within the Congressional District from which he is appointed.

"Four members of the Commission shall be appointed from members of the legislature, two of which shall be appointed by the presiding officer of each house. The legislative members of the Commission shall be appointed to serve four-year terms beginning and ending on the first day of the Organizational Session of the Legislature. No legislative member of the Commission shall be eligible to serve as chairman or vice-chairman of the Commission.

"In addition to the four appointed members from the legislature, the Chairman of the House Ways and Means Committee and the chairman of the Senate Finance and Taxation Committee shall serve as members ex-officio of the Commission. The ex-officio members here named shall have full rights and obligations in the work of the Commission except that they shall not vote upon questions and motions before the Commission requiring official action by the Commission.

"In addition to these six legislative members, no other member of the legislature, nor any elected state official or state employee shall be eligible to serve as a member of the Commission.

"The seven members appointed by the Governor shall be citizens of the state and shall be selected, as far as may be practicable, on the basis of their interest in problems of higher education. Appointees shall be selected without regard to political affiliation and appointments shall be of a nature as to aid the work of the Commission and to inspire the highest degree of co-operation and confidence. No member of the Commission shall be on the governing boards, be employed by or directly connected with any institution of higher education in the state; the State Department of Education; or any county or other local board of education. No member of the Commission shall serve past June 30th following his 70th birthday.

"All members of the Commission shall be deemed members at large charged with the responsibility of serving the best interest of the entire system of higher education in the state. No member shall act as the representative of any particular region or of any particular institution of higher education.

"The Commission shall serve in an advisory capacity to the legislature and the Governor of this state in respect to all matters pertaining to state funds for the operation and the allocation of funds for capital improvements of state supported institutions of higher education. The initial membership of the reorganized and reestablished Commission and the term of each initial member thereof shall be as set out in Section 3.

"Section 3. Tenure—Vacancies.

"(A) The seven members of the commission as hereby reorganized and reestablished, appointed by the Governor shall be appointed for seven

year terms expiring on August 31 of the respective year. Of the initial appointees to the reorganized commission, however, the term of one such member initially appointed by the Governor shall expire at the end of August of each year from the first through the seventh year. The respective terms of the members initially appointed by the Governor shall be determined by the Governor at the time of making the appointment of each such member.

“(B) The members of the Commission shall continue to serve after the expiration of their terms until their successors have been appointed and approved by the senate. In the event that the number of Congressional Districts shall change, incumbents on the Commission shall complete their terms as members of the Commission. In the event the number of Congressional Districts is increased, the membership of the Commission shall increase so that there will be one member from each Congressional District. If the number of Congressional Districts shall decrease, the membership will remain at seven until the expiration of the term of the member first expiring after such decrease and thereafter there will be the same number of members as Congressional Districts. If the senate is not in session or is in recess when the term of a member expires, the Governor shall make a temporary appointment of a succeeding member who shall serve subject to subsequent senate approval of the appointment.

“(C) Vacancies on the Commission and offices appointed by the Governor shall be filled by appointment by the Governor for the unexpired term. If the appointment is subject to senate confirmation and the senate is not in session or is in recess when the appointment is made, the appointee shall serve subject to subsequent senate approval of the appointment.

“(D) Any person who serves for five or more years as a member of the Commission shall not be eligible for reappointment to succeed himself.

“Section 4. Organization and Meetings. The first meeting of the reorganized Commission shall be called by the Governor who shall preside until a chairman is selected. The Commission shall elect annually from its own members a chairman and such other officers as it may deem desirable and shall adopt rules for its organization and the conduct of its business.

“The Commission shall hold regular meetings at such times as are specified in its rules. Special or additional meetings may be held on call of the Chairman, or upon a call signed by at least seven members, or upon call of the Governor. The Commission is encouraged to meet as often as seems desirable on the campuses of institutions of higher education in the state. The Commission shall meet at least twice during each calendar year. A majority of the members of the Commission shall constitute a quorum at all its meetings, but the approval of a new unit of instruction, research, or public service or a new public institution of higher education, as provided in Section 6, shall require the concurrence of a majority of all the members of the Commission. An agenda for the meetings in sufficient detail to indicate the terms on which final action is contemplated shall be mailed to the chairman of each governing board and to the chief administrative officer of each public institution of higher education at least two weeks prior to the meeting.

“Members of the Commission shall serve without compensation but shall be reimbursed for actual expenses incurred in the performance of their duties.

"The Commission is authorized to appoint a highly qualified person as its Executive Officer who shall, with the consent and approval of the Commission, select and supervise the Commission's staff and perform such other duties as may be delegated to him by the Commission, within the amounts made available for the Commission's operation.

"The Executive Officer shall, with the consent and approval of the Commission, employ such professional and clerical staff and other assistants, including specialist and consultants, upon a full or part-time basis as are necessary to assist the Commission and the Executive Officer in performing the duties assigned by this act. The number of employees, their compensation, and the other expenditures of the Commission shall be within the limits and in compliance with the appropriation made therefor by the legislature and within budgets that shall be approved from time to time by the Commission.

"All fulltime professional and administrative staff personnel of the Commission shall be eligible to participate in the state teacher's retirement system.

#### "Section 5. State University and College Information System.

"The Commission, after affording a full opportunity to the public institutions of higher education to be heard, shall design and establish a State University and College Information System to provide comprehensive, meaningful, and timely information pertinent to the formulation of decisions and recommendations by the Commission. The information submitted by the public institutions of higher education shall be in comparable terms and the reports developed through the system shall conform to the procedures established by the Commission.

"The Commission shall use advisory committees to study methods and proposals for coordinating efforts of all such institutions in providing a stimulating and enriched educational environment for the citizens of this State and such other advisory committees as the Commission may deem desirable.

#### "Section 6. Coordination of Programs in Instruction, Research, or Public Service.

"The Commission on Higher Education is authorized to review periodically all existing programs of instruction, research, and public service funded by state appropriations at the state universities and colleges and to share with the appropriate governing board, through the president of the institution, its recommendations.

"The Commission shall seek through the use of advisory committees to study needless duplication of education, research or service programs and programs which are not adequately provided in the state, and shall make findings and recommendations to the institutions that would strengthen the total program of higher education in the state.

"The governing boards of public institutions of higher education in this state and the campuses under their governance or supervision shall not hereafter undertake the establishment of any new unit of instruction, research, or public service with state funds before submitting plans for the new unit to the Commission for its review, evaluation, and approval. No state funds shall be expended by any public institution on any new unit which has not been approved by the Commission. When a petition for the

establishment of a new unit of instruction, research, or public service is denied by the Commission, the legislature may, by a separate and specific act overrule and void the decision of the Commission on any such petition. The act shall refer to the institution, the date of its petition to the Commission, the unit of instruction, research, or public service requested, and contain this language or similar language, 'said (here state the unit of instruction, research, or public service requested) is hereby established by the legislature, the decision of the Alabama Commission on Higher Education notwithstanding, and the Commission is hereby ordered to assist the petitioning institution in implementing the authority herein granted.' It is the intent of the legislature, that no institution should feel restrained in any way in seeking legislative approval of a previously denied petition to the Commission. The term 'new unit of instruction, research of public service' includes the establishment of a college, school division or institute, and includes the establishment of any new branch or campus. The term does not include reasonable extensions or alterations of existing curricula, research, or public service programs which have a direct relationship to existing programs; and the Commission may, under its rulemaking power, define the character of such reasonable extensions and alterations.

#### "Section 7. Budget Proposals and Recommendations.

"The governing boards of the public institutions of higher education shall submit to the Commission through their appropriate administrative officers, not later than ninety days prior to each legislative session, its budget proposals for the operation and capital needs of the institution under its governance or supervision. The Commission shall receive, evaluate and coordinate budget requests for the public institutions of higher education of this State, shall hold open hearings on the budget requests of the separate institutions and shall present to each institution and to the Legislature, a single unified budget report containing budget recommendations for separate appropriations to each of the institutions. The consolidated budget and analysis of the Commission shall be accompanied by the original requests and their justifications as submitted by each institution. The recommendations of the Commission may be based upon standard techniques of objective measurement, need and unit cost figures arrived at through the use of comparative and verified data secured from the various institutions, applied in an impartial and objective manner, and comparison shall be made not only between similar functions of institutions in Alabama but also between Alabama institutions and similar functions of institutions located in other states, provided that nothing herein shall be construed to prohibit any institution of higher education in this State from submitting any matter pertaining to the financial operation and needs of said institution to the Legislature or to the Governor at any time.

#### "Section 8. Powers and Duties of the Commission.

"The Commission shall exercise the following powers and duties in addition to those otherwise specified in this Act:

"(a) To cause to be made such surveys and evaluations of higher education as are believed necessary for the purpose of providing appropriate information to carry out its powers and duties.

"(b) To recommend to the Legislature of Alabama the enactment of such legislation as it deems necessary or desirable to insure the highest



quality of higher education in this state taking into consideration the orderly growth and overall development of the state system of public higher education to meet trends in population and the change in social and technical requirements of the economy.

“(c) To advise and counsel the Governor, at his request, regarding any area of, or matter pertaining to, higher education.

“(d) To establish definitions of a junior college, a community college, a technical institute or college, a senior college, a university and university system; provided, that nothing herein shall be construed as authorizing the Commission to establish or create any university system, nor to alter any university system presently existing.

“(e) To develop and publish criteria which may be used by the Legislature as a basis (i) for changing the classification of any public institution of higher education and (ii) for determining the need for new public junior colleges, public community colleges, public technical institutes or colleges, public senior colleges, universities or university systems. Any proposed statute which would establish an additional institution of higher education may be submitted, either prior to introduction or by the standing committee considering same to the Commission for its opinion as to the need of the state therefor, and the Commission shall report its findings to the Governor and the Legislature.

“(f) To cause studies to be made for the purpose of classifying and prescribing the role and scope for each public institution of higher education in Alabama and to recommend such changes in classification or role and scope for such institutions as it deems necessary and which may be agreed to by the governing board of the said institution.

“(g) To hear applications from the institutions for changes in classification or role and scope and to recommend to the Legislature for clarification such classifications in role or scope which may not be agreed to by the governing board of any institution.

“(h) To make continuing studies, on its own initiative or upon the request of the Governor or the Legislature, of the financial needs of public higher education and issue such reports to the Governor and the Legislature as may result from its studies.

“(i) To submit to the Governor and the Legislature on or before the first day of May of each year a written report covering the activities of the Commission. The report shall include:

“(i) statements of the nature, progress or result of any studies undertaken or completed during the past calendar year;

“(ii) comments upon major developments, trends, new policies, budgets, and financial considerations which, in the judgment of the Commission, will be useful in planning a sound program of higher education; and

“(iii) recommendations respecting public higher education in this state as may be appropriate.

“(j) To make rules and regulations for its meetings, procedures and execution of the powers and duties delegated to it by this Act.

“(k) To encourage the establishment and development of formal

consortia for the advancement of higher education comprised of institutions of higher education in the state.

“(1) To conduct a program of public information in order to inform citizens of the state of matters of importance to higher education in Alabama.

“Section 9. Evaluating and Revising the Commission.

“Two years after the establishment of the Commission and during the last year of each gubernatorial term, there shall be appointed a committee of consultants who are not associated with higher education in this state to evaluate the effectiveness of the work of the Commission and to recommend changes as needed. This committee shall consist of seven members. Four of the seven shall be citizens of the state, one chosen by the Governor, one by the presiding officer of each house of the Legislature, and one by the Commission. These four in-state members shall then select three professional educators from out of state who are familiar with the work of such agencies. A report prepared by the committee shall be submitted to the Governor, the Legislature, the presidents and governing boards of the public institutions of higher education of this state and the public.

“Section 10. Governing Boards of Public Institutions of Higher Education—Powers and Duties.

“Governing boards of the public institutions of higher education of this state shall retain all powers and duties heretofore given and conferred upon them by the Constitution and by those statutes which are not at variance with this act to govern, control and operate the institutions for which they are responsible. The Commission shall work with and support the respective boards and, except where otherwise authorized by this statute, shall act in a factfinding and advisory capacity.

“Section 11. Funds to Promote the Purposes of This Act.

“The Commission is authorized to accept gifts, devises, grants, or bequests and expend the same to carry out the provisions of this Act or to promote the purposes for which it has been established.

“Section 12. Severability.

“The provisions of this act are severable. If any section, paragraph, sentence, clause, provision, or portion of this act, be held unconstitutional or invalid, such holdings shall not affect any other section, paragraph, sentence, clause, provision, or other portion of this act not in or of itself unconstitutional or invalid.

“Section 13. Repealer.

“All laws or parts of laws which specifically conflict with this act are hereby repealed.

“Section 14. Effective Date.

“This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.”

Section 2. Effective Date.

This amendatory act shall become effective December 1, 1975. Members of the Alabama Commission on Higher Education serving on the

date of the approval of this act by the Governor after its passage, or upon its otherwise becoming a law, shall continue to serve until December 1, 1975. The present members shall continue to serve after that date until all membership appointments provided for in this act by the Governor and the presiding officers of the House and Senate are made.

The Bill:

S. 925. To authorize any county in the state to acquire any water works plant or distribution system owned by a municipality or public corporation within such county and to assume any indebtedness connected therewith; to authorize any municipality in the state to sell or convey any such water works plant or water distribution system, or both, to the county in which the system is located, upon the assumption of any indebtedness connected therewith, without an election; and to require publication of a notice with respect thereto.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 29; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—29

*Nays:*

—0

The Bill:

S. 415. To amend sections 282, 283, 284, 285, 287, 289, 292, 295 as amended, 297 and 300 of Title 28, Code of Alabama 1940, and Section 2 of Act No. 603, Regular Session 1962 (Acts of 1962, p. 862), as amended by Act No. 221, Regular Session 1967 (Acts of 1967, p. 589) (now appearing as Section 287, (3), Title 28, Code of Alabama 1940, as Recompiled 1958), all of which provide for credit unions in Alabama, so as to provide for supervision by the superintendent of banks, to provide further for examination fees, to provide further duties for the supervisory committee, and to provide for a policy as concerns loans to directors and officers.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—30

*Nays:*

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The Bill:

S. 416. To amend Sections 36 and 38, as amended, of Title 53, Code of Alabama 1940, being Sections 9 and 11 of Act No. 542, Regular Session 1959, pp. 1335 et seq. which regulate transactions in securities in Alabama so as to resolve an ambiguity and make it clear that Alabama Credit Unions are entitled to the same exemptions enjoyed by banks, savings and loan associations and trust companies.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 29; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop.

—29

*Nays:*

—0

The Bill:

S. 430. To amend the Code of Alabama 1940, Title 12, Section 115 relating to claims against the County so as to remove the requirement that claims be sworn to.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Givhan, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop.

—28

*Nays:*

—0

The Bill:

S. 49. To provide for the payment of witnesses summoned from another state under the "Uniform Act To Secure The Attendance Of Witnesses From Without A State In Criminal Proceedings" and for the taxing of said costs by the Circuit Clerk.

was taken up.

The Standing Committee on Judiciary reported the following substitute for the Bill, S. B. 49, to-wit:

#### COMMITTEE SUBSTITUTE TO S. B. 49

#### A BILL TO BE ENTITLED AN ACT

To provide for the payment of witnesses summoned from another state under the "Uniform Act To Secure The Attendance Of Witnesses From Without A State In Criminal Proceedings" and for the taxing of said costs by the Circuit Clerk.

Be It Enacted by the Legislature of Alabama:

Section 1. That the District Attorneys of this state are hereby authorized to tender or to pay to any witness from another state who has been summoned to testify in this state on behalf of the State of Alabama the sum of twelve cents a mile for each mile by the ordinary traveled route to and from the court where the prosecution is pending and fifteen dollars for each day that he is required to travel and attend as a witness and the same shall be paid out of the Solicitor's fund as now provided by law.

Section 2. Whenever a defendant is convicted and sentenced to the penitentiary, or is convicted and sentenced to hard labor, or if the sentence is suspended and defendant is put on probation as provided by law, the Circuit Clerk shall tax as costs all costs as hereinabove set out. A statement furnished to the Clerk of the Circuit Court by the District Attorney shall be sufficient authorization for taxing the amount paid out as additional costs in said case. Any amount collected as costs as herein provided shall be credited to the Solicitor's fund.

Section 3. This act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 33; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—33

*Nays:*

—0

And said Bill, S. B. 49, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 29; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

—29

*Nays:*

—0

The Bill:

S. 496. To amend Section 125 of Title 12, Code of Alabama 1940, as

last amended, which relates to the interest rate and maturity of temporary loans made by the county governing bodies in anticipation of taxes.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 31; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—31

*Nays:*

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The Bill:

S. 775. To amend Section 21 of the Professional Corporation Act (Acts of 1971, p. 4524, now appearing in Code of Alabama, Recompiled 1958, Title 46, Section 366), so as to allow a consolidated or merged professional corporation to render both medical and dental services within a single professional corporation.

was taken up.

Mr. McMillan offered the following substitute for the Bill, S. B. 775, to-wit:

#### SUBSTITUTE FOR S. B. 775

#### A BILL TO BE ENTITLED AN ACT

To amend Section 21 of the Professional Corporation Act (Acts of 1971, p. 4524, now appearing in Code of Alabama, Recompiled 1958, Title 46, Section 366), so as to allow a consolidated or merged professional corporation to render both medical and dental services within a single professional corporation.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 21 of the Professional Corporation Act (Acts of 1971, p. 4524, now appearing in Code of Alabama, Recompiled 1958, Title 46, Section 366), is amended to read as follows:

“Section 21. A professional corporation organized under this act may consolidate or merge only with another professional corporation organized under this act or a professional association organized under the provisions of Act Number 865 of the 1961 legislature as amended, and licensed by the same licensing board, except that a consolidated or merged professional corporation may render both medical and dental services; provided, duly licensed medical and dental professionals are members or stockholders of the professional association.”

Section 2. This Act shall be effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 31; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—31

*Nays:*

—0

And said Bill, S. B. 775, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 32; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—32

*Nays:*

—0

The Bill:

H. 212. To provide for a sentence of death or life imprisonment without parole in certain aggravated offenses; to prescribe the manner of charging and sentencing in such cases and to eliminate lesser included offenses in such cases; to limit the maximum punishment in all other cases to life imprisonment; to provide for an effective date of this act.

and pending amendment, which said amendment is set out at length in the Journal of the Senate for the Twenty-third Legislative Day, was again taken up.

On motion of Mr. Mitchell, said amendment was laid on the table.

Mr. Pearson then offered the following amendment to the Bill, H. B. 212, to-wit:

#### AMENDMENT TO H. B. 212

Amend House Bill 212, Section 9, page 5, by striking Section 9 in its entirety and inserting in lieu thereof the following:

“This act shall become effective one hundred and eighty (180) days from the date which the Governor affixes his signature thereto”.

Which was adopted.

Yeas 27; Nays 2.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (A), McDonald (S),

McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Vacca.

—27

*Nays:* Messrs. Edwards, Torbert.

—2

And said Bill, H. B. 212, as thus amended, was then read a third time at length and passed.

Yeas 30; Nays 2.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—30

*Nays:* Messrs. Clemon, Pearson.

—2

## RESOLUTION

Mr. Jones offered the following Senate Resolution, to-wit:

**S. R. 112. REQUESTING SECRETARY OF SENATE TO DEVISE A FILIBUSTER BULLETIN BOARD.**

WHEREAS, The filibuster has become a way of life in the Senate; and

WHEREAS, schedules of filibuster hours have become even more integral to the operation of the Senate than special orders and calendars; now, therefore,

**BE IT RESOLVED BY THE SENATE OF ALABAMA** That the Secretary of the Senate is requested to devise a "filibuster board" with an up-to-date schedule of participating senators and a continuing total of hours spoken.

Which was read and referred to the Standing Committee on Rules.

## FURTHER CONSIDERATION OF S. B. 139

The Senate proceeded to further consideration of the Bill, S. B. 139. The question was on the substitute offered by Mr. McDonald (S).

Mr. McDonald (S) offered the following amendment to his substitute for the Bill, S. B. 139, to-wit:

## AMENDMENT TO SUBSTITUTE FOR S. B. 139

Amend the substitute for Senate Bill 139 on page 2, line 28, after the term "Section 2." by adding the word and punctuation "membership."

Further amend the substitute for Senate Bill 139 on page 4, line 15, by underlining the words "reorganized and reestablished"

Further amend the substitute for Senate Bill 139 on page 4, line 16 by underlining the word "thereof"

Further amend the substitute for Senate Bill 139 on page 4, line 30, by



adding after the word "commission" the underlined words "appointed by the Governor"

Further amend the substitute for Senate Bill 139 on page 8, line 9, by adding after the word "institution" the words "of higher education"

Which was adopted.

And said substitute, as thus amended, for the Bill, S. B. 139, was then adopted by the Senate.

Yeas 32; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Givhan, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—32

*Nays:*

—0

And said Bill, S. B. 139, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Givhan, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca.

—30

*Nays:*

—0

#### FURTHER CONSIDERATION OF H. B. 899

The Senate proceeded to further consideration of the Bill, H. B. 899, and pending Stewart amendment. The question was on the motion of Mr. Flippo that further consideration of the Bill be postponed until the Thirtieth Legislative Day.

On motion of Mr. Fine, the motion to postpone was laid on the table.

And on motion of Mr. Fine, the amendment offered by Mr. Stewart was laid on the table.

Mr. Stewart then offered the following substitute for the Bill, H. B. 899, to-wit:

#### SUBSTITUTE FOR H. B. 899

#### A BILL TO BE ENTITLED AN ACT

Relating to the regulated loan business; providing for regulation,

examination, investigation, and licensing of individuals, firms, and corporations engaged in the business of making regulated loans and for the suspension and revocation of licenses issued hereunder for specified reasons; prescribing maximum rates of interest and other charges for loans; providing for the administration and enforcement of the Act, prescribing penalties, providing for the proper repeal of existing laws, including Section 18(f) of Act No. 2052, S. B. 122 of the Regular Session of 1971, approved October 1, 1971, relating to loans over \$300.00 and Act No. 374, H. B. 102 of the Regular Session of 1959, approved November 6, 1959, relating to the small loan business and Act No. 159, H. B. 233, approved June 23, 1945 (General Acts of Alabama, 1945, page 200), relating to the small loan business and providing for regulation of the same.

Be It Enacted by the Legislature of Alabama:

Section 1. Declaration of Legislative Intent. The Legislature finds as facts and determines that:

1. There exists among citizens and businesses of this state a widespread demand for regulated loans. The scope and intensity of this demand has increased progressively and dramatically by the force of many social and economic trends.

2. Such loans are provided by private, regulated lenders who provide lendable funds without benefit of publicly-insured savings and demand deposits and who secure capital privately, largely through national commercial money markets which operate without regard to state boundaries. The expense of securing capital through such markets, of making loans of this nature, and of collecting such loans is necessarily high because of the amounts generally lent, the security taken and the amount of risk assumed.

3. Present limitations imposed by existing law relating to amount to be lent, terms, interest and usury prevent the making of such loans on a profitable basis. These limitations restrict the availability of regulated loans in the amounts and for the terms that Alabama's citizens and businesses have a right to expect and enjoy.

4. Since the demand for such loans cannot be repealed by law, many rightful borrowers are either being denied credit or are being left to the mercy of those willing to risk the grievous penalties of usury for an unreasonably high profit. In either case, the hardships created in the State are such that a prudent public policy should not permit them.

5. Legislation to control regulated loans is necessary to protect the public and to make available a supply of regulated credit to Alabama's citizens and businesses that a sound public policy dictates.

6. It is the intent of the Legislature in this enactment to bring under public supervision those engaged in the business of making regulated loans, to eliminate practices that facilitate abuse of borrowers, to establish a system of regulation for the purpose of insuring honest and efficient regulated loan service, to allow lenders who meet the conditions of this act a rate of charge sufficient to provide a reasonable supply of regulated loan credit to the citizens of Alabama, and to provide the administrative machinery necessary for effective enforcement.

Section 2. Definitions. The following words and terms when used in this Act shall have the following meanings unless the context clearly

requires a different meaning. The meaning ascribed to the singular form shall also apply to the plural.

"Person" shall include individuals, co-partnerships, associations, trusts, corporations, and any other legal entities.

"License" shall mean a license, issued under the authority of this Act, to make loans in accordance with the provisions of this Act at a single place of business.

"Licensee" shall mean a person to whom one or more licenses have been issued, for said person to make regulated loans as authorized hereunder.

"Supervisor" shall mean the Supervisor of the Bureau of Loans of the State Banking Department.

"Bureau" shall mean the Bureau of Loans of the State Banking Department.

"Cash Advance" means the amount of cash or its equivalent that the borrower actually receives or is paid at his direction or on his behalf. Cash Advance is also known as the "original unpaid principal balance" on a loan.

The terms "consecutive periodic installments", "equal periodic intervals", and "approximate equal periodic intervals" shall mean that the intervals of time between installment due dates of a loan contract are to be of the same approximate duration; provided however, a contract may provide for an interval of time between the making of a loan and the first installment due date that is different from the interval of time between the other scheduled installment due dates in said contract; and provided further, the foregoing definition shall not be construed so as to permit a term of a loan longer than otherwise permitted in this Act.

Section 3. Scope. (a) No person, without having first obtained a license from the Supervisor, shall engage in the business of regulated lending and make any charge in connection with any loan, the aggregate of which is greater than the interest that he would be permitted by other applicable law to charge for a loan if he were not a licensee under this Act; provided however, this sub-section is subject to the provisions of Section 21 of this Act.

(b) Exemptions. This Act shall not apply to any person doing business under the authority of, and as permitted by, any law of this State or of the United States relating to Banks, Savings Banks, Trust Companies, Savings or Building and Loan Associations, Credit Unions as defined by law nor to any lawful, bona fide pawnbroking business, nor shall this Act apply to any person making loans to their tenants engaged in agriculture, nor to loans by agricultural suppliers to persons whose principal business is farming, nor shall it apply to agricultural credit corporations or associations organized under an Act of Congress of the United States, nor shall it apply to any person regularly engaged in the business of selling motor vehicles, refrigerators or other personal property but this prohibition shall not be construed so as to prevent a licensee from lending money to a borrower for the purpose of purchasing such items, nor shall this apply to loans insured or guaranteed by the United States or any of its agencies, nor shall this Act apply to any person making loans under the provisions of Act No. 3 of the 1969 Regular Session (General Acts Alabama, Regular Session 1969, p. 297), nor shall this Act apply to any

person making loans under the provision of Act No. 4 of the 1969 Regular Session (General Acts Alabama, Regular Session 1969, p. 297), nor shall this Act apply to business transacted under Act No. 2052 of the 1971 Regular Session, approved October 1, 1971, as amended.

(c) Evasions. The provisions of sub-section (a) of this Section shall apply to any person who seeks to evade its application by any device, subterfuge, or pretense whatsoever including, but not thereby limiting the generality of the foregoing; the loan forbearance, use, or sale of credit (as guarantor, surety, endorser, co-maker, or otherwise), money, insurance, goods, or things in action; the use of collateral or related sales or purchases of goods or services, or agreements to sell or purchase, whether real or pretended; receiving or charging compensation for goods or services, whether or not sold, delivered or provided and the real or pretended negotiation, arrangement, or procurement of a loan through any use of activity of a third person, whether real or fictitious.

(d) Penalties. (1) Whoever violates or participates in the violation of any provision of this Section shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than one thousand dollars (\$1,000) nor less than five hundred dollars (\$500), or by imprisonment for not more than six months, or both; such fine and imprisonment, in the discretion of the court. Any contract of loan in the making or collection of which any act shall have been done which violates this section shall be void and the lender shall have no right to collect, receive, or retain any principal, interest or charges whatsoever.

(2) Any licensee, who, in the making or collecting of any loan, violates the provisions herein and refuses for 30 days following notice of such alleged violation to correct such violation shall forfeit all charges previously collected thereon and all charges scheduled to become due thereon. In the event litigation becomes necessary and the courts find in favor of the plaintiff the licensee shall pay the reasonable attorney fees of the plaintiff and/or upon hearing before the Supervisor, be subject to, if the facts then warrant, having the license suspended or revoked in accordance with the provisions of Section 8 of this Act. Upon such suspension or revocation, the Supervisor shall, if he then deems it necessary, be entitled to petition the Court in which the license is situated, for the appointment of a receiver to take over the business of the licensee during the period of suspension or to wind up the business in the event of a revocation, the cost and expense of which shall be taxed against said licensee.

A licensee shall not be held to have violated the provisions of this Act if said licensee is operating in accordance with and pursuant to regulations promulgated and enforced by the Supervisor. It is the intent of the Legislature that the regulations of the Supervisor are true and correct, until such time and in the event the Court reverses the Supervisor.

In the event a licensee violates any provisions of this Act which also constitutes a violation of federal law, then the licensee shall be subject to the penalties of the federal law and the penalties of this Act shall not be applicable to that violation which constitutes a violation of the federal law.

Nothing herein shall be construed so as to deny the rights of the licensee to litigate the construction, interpretation, enforcement or regulation of this Act or of the actions of the Supervisor.

Section 4. Application and Fee. Application for an original license shall be in writing, under oath, and in the form prescribed by the supervisor. Said application shall give the approximate location where the business is to be conducted and shall contain such further relevant information as the supervisor may require, including the names and addresses of the partners, officers, directors, or trustees, and of such of the principal owners or members as will provide the basis for the investigations and findings contemplated by Section 5 of this Act. At the time of making said original application, the applicant shall pay to the supervisor the sum of one hundred dollars (\$100) as a fee for investigating the application. All licensees under this Act shall pay an annual license of four hundred dollars (\$400) which shall be due on October 1 of each year and shall be for one year ending September 30 following, and shall be delinquent on the first day of November of each year. And there shall be a penalty of ten percent (10%) added to such license upon delinquency and collected by the bureau. If any applicant licensed under this act for the first time shall commence business after the first day of April in any year, the amount of the license shall be one-half of the amount of a full year's license. The amount of the license (and penalties if any) shall be paid to the supervisor of the bureau of loans, who shall remit the same to the treasurer of the State of Alabama as provided by law. The license herein provided for shall be in addition to all other licenses now or hereafter provided for by law, and shall be in addition to the tax provided for by Chapter 18, Title 51, Code of Alabama (1940) as amended; and the amount of the license levied by this section shall not be credited upon or deducted from, in whole or in part, the tax levied by said Chapter 18, as amended, as to the current state tax year or as to any prior or subsequent state tax year. No refunds for the current or any prior or subsequent state tax year or any portion of the tax levied by said Chapter 18, as amended, shall be made on the ground that the license levied by this section was not credited upon or deducted from the tax levied by said Chapter 18, as amended; and no suit or action shall lie to enforce any claim for such refund. The provisions of this Section are subject to the provisions of Section 21 of this Act.

Section 5. (a) Investigation of Application. Upon the filing of such application and the payment of such fees, the supervisor shall investigate the facts concerning the application and the requirements provided for in subsection (b) of this section. The supervisor shall grant or deny such application for a license within ninety days from the filing thereof with the required information and fees unless the period is extended by written agreement between the applicant and the supervisor.

(b) Issuance of License. If the supervisor shall find that the liquid assets, financial responsibility, experience, character, and general fitness of the applicant are such as to warrant the belief that the business will be operated lawfully, honestly, fairly, and efficiently, within the purposes of this Act, that the applicant has assets available for the operation of business under this Act of at least \$25,000.00, and that allowing such applicant to engage in the business would promote the convenience and advantage of the community in which the business of the applicant is to be conducted, he shall thereupon enter an order granting such application, and file his findings with the bureau, and forthwith issue and deliver a license to the applicant; but this provision is subject to the provisions of Section 21.

(c) Denial of License. If the supervisor shall not so find, he shall notify the applicant in writing who may request a hearing on the application. The request for a hearing must be within thirty (30) days of

the rejection with the hearing to be held within thirty (30) days of the date of the request. After such hearing, or, if no hearing is demanded, the supervisor may deny such application by written order, accompanied by his findings of fact, and shall deliver a copy of such order and findings to the applicant. The investigation fee shall be retained by the supervisor while the license fee shall be returned to the applicant.

Section 6. (a) Posting of License. Each license shall state the address at which the business is to be conducted and shall state fully the name of the licensee, and if the licensee is a co-partnership or association, the names of the members thereof, and if a corporation, the date and place of its incorporation. Each license shall be kept conspicuously posted in the licensed place of business and shall not be transferable or assignable.

(b) Continuing License. Each license shall remain in full force and effect until surrendered, revoked, or suspended as hereinafter provided.

Section 7. (a) Place of Business. Not more than one place of business shall be maintained under the same license, but the supervisor may issue additional licenses to the same licensee upon his compliance with all the provisions of this Act governing the issuance of the first or original license.

(b) Removal. When a licensee wishes to change his place of business, he shall give written notice thereof to the supervisor who shall investigate the facts and if he shall find the proposed location is reasonably accessible to borrowers under existing loan contracts, he shall enter an order permitting the change and shall amend the license accordingly. If the supervisor shall not so find he shall enter an order denying the licensee such permission in the manner specified in and subject to the provisions of Section 5(c) of this Act.

(c) Residence of Borrower. Nothing in this Act shall be construed to restrict the loans of any licensee to residents of the community in which the licensed place of business is situated.

Section 8. (a) Revocation of License. The supervisor may, upon ten days' written notice to the licensee stating the contemplated action and in general the grounds therefor, and upon reasonable opportunity to be heard, revoke any license issued hereunder if he finds that:

1. The licensee has failed to pay the annual license fee; or that
2. The licensee, either knowingly or without the exercise of due care to prevent the same, has violated any provisions of this Act or any regulation or order lawfully made pursuant to and within the authority of this Act; or that
3. Any fact or condition exists which, if it had existed or had been known to exist at the time of the original application for such license, clearly would have justified the supervisor in refusing originally to issue such license, except the license shall not be revoked because of convenience and advantage; or that
4. The licensee is found guilty by the supervisor or using unreasonable collection tactics.

(b) Suspension of License. If the supervisor finds that probable cause for revocation of any license exists and that enforcement of the Act requires immediate suspension of such license pending investigation, he

may, upon three days' written notice and a hearing, enter an order suspending such license for a period not exceeding thirty days.

(c) **Records and Notice.** Whenever the supervisor shall revoke or suspend a license issued pursuant to this Act, he shall enter an order to that effect, and forthwith notify the licensee of the revocation or suspension. Within five days after the entry of such an order he shall file with the bureau his findings and a summary of the evidence supporting them, and he shall forthwith deliver a copy thereof to the licensee.

(d) **Surrender of License.** Any licensee may surrender any license by delivering it to the supervisor with written notice of its surrender, but such surrender shall not affect his civil or criminal liability for acts committed prior thereto.

(e) **Pre-Existing Contracts.** No revocation, suspension or surrender of any license shall impair or affect the obligation of any pre-existing contracts between the licensee and the borrower.

(f) **Reinstatement of License.** The supervisor may reinstate suspended licenses or issue new licenses to a person whose license or licenses have been revoked if no fact or condition then exists which clearly would have justified the supervisor in refusing originally to issue such license under this Act.

(g) **Complaints of Violation Investigated.** The supervisor shall, upon sworn complaint of any borrower, investigate or cause to be investigated any alleged violation of this Act.

**Section 9. (a) Annual Examinations of Licensees.** At least once each year and at such other time as may be deemed necessary by the supervisor of the bureau of loans an examination shall be made of the place of business of each licensee and of the loans, transactions, books, papers and records of such licensee so far as they pertain to the business licensed under this Act or other business done in a licensed office. As cost of examination the licensee shall pay to the bureau of loans under such rules and regulations as may be reasonably prescribed by the supervisor thereof with the approval of the superintendent of banks an examining fee of seventy-five dollars (\$75) per day or any part thereof for each examiner and in addition thereto twenty dollars (\$20) per day per examiner as per diem, or such Uniform per diem as authorized for state employees; provided, however, that no licensee whose business is free from willful violations of this Act shall be required to pay more than a total sum of eight hundred dollars (\$800) in any twelve (12) month period as examiners' fees; provided further, that all fees collected by the bureau of loans under the terms of this section shall be paid into a special fund to be set up by the State Treasury; the special fund shall be used to pay the salaries of the officials and employees and the expenses of the bureau of loans and all moneys deposited therein are hereby appropriated for that purpose; provided, however, nothing herein shall be construed to mean that all salaries of the officials and employees and expenses of operating the bureau of loans shall come from the special fund.

(b) **Investigations.** For the purpose of discovering violations of this act or of securing information lawfully required hereunder, the supervisor or his duly authorized representatives may at any time investigate the business and examine the books, accounts, papers, and records used therein, of (1) any licensee, (2) any other person engaged in the business described in Section 3(a) of this Act or participating in such business as

principal, agent, broker, or otherwise, and (3) any person who the supervisor had reasonable cause to believe is violating or is about to violate any provision of this Act, whether or not such person shall claim to be within the authority or beyond the scope of this Act. For purposes of this section, any person who shall advertise for, solicit, or hold himself out as willing to make regulated loan transactions of the type described in Section 3(a) shall be presumed to be engaged in the business described in Section 3(a) of this Act.

(c) Access to Records: Witnesses. For the purposes of this section, the supervisor or his duly authorized representatives shall have and be given free access to the offices and places of business, files, safes, and vaults of all such persons, and shall have authority to require the attendance of any person and to examine him under oath relative to such loans or such business or to the subject matter of any examination, investigation, or hearing.

(d) Cease and Desist Orders: Injunctions; Receivers. Whenever the supervisor has reasonable cause to believe that any person is violating or is threatening to or intends to violate any provision of this Act, he may in addition to all actions provided for in this Act, and in addition to all other remedies that he may have at law or in equity, and without prejudice thereto enter an order requiring such person to desist or to refrain from such violation; and an action may be brought on the relation of the Attorney General or the supervisor to enjoin such person from engaging in or continuing such violation or from doing any act or acts in furtherance thereof. In any such action, an order of judgment may be entered awarding such preliminary or final injunction as may be deemed proper. In addition to all other means provided by law for the enforcement of a restraining order or injunction, the court in which such action is brought shall have power and jurisdiction to impound, and to appoint a receiver for the property and business of the defendant, including books, papers, documents, and records pertaining thereto or so much thereof as the court may deem reasonably necessary to prevent violations of this Act through or by means of the use of said property and business. Such receiver, when appointed and qualified, shall have such powers and duties as to custody, collection, administration, winding up, and liquidation of such property and business as shall from time to time be conferred upon him by the court.

Section 10. (a) Books and Records, Each licensee shall keep and use in his business such books, accounts, and records as will enable the supervisor to determine whether such licensee is complying with the provisions of this Act and with the orders and regulations lawfully made by the supervisor hereunder. Each licensee shall preserve such books, accounts, and records for at least two years after making the final entry on any loan recorded therein.

(b) Annual Reports. (1) Each licensee shall annually, on or before the first day of May, file a report with the supervisor as to each licensed place of business under this Act, covering the preceding calendar year. This report shall include the following information, all reported in accordance with sound and generally accepted accounting practice:

- (a) Balance sheets at the beginning and end of the period.
- (b) A statement of income and expense for the period.
- (c) A reconciliation of surplus or net earning with the balance sheets.



- (d) A schedule of assets used and useful in the business.
  - (e) An analysis of charges, sizes of loans, and types of security on loans and an analysis of delinquent accounts.
  - (f) An analysis of suits, repossessions and sales of chattels.
  - (g) The type of business organization and if the licensee is a corporation, the principal officers and the resident agent, the partners, if the licensee is a partnership or, the owner, if a sole proprietorship.
- (2) If the licensee conducts other business or is affiliated with other licensees under this Act, or, if any other situation exists under which allocations are necessary, the licensee shall make such allocation according to appropriate and reasonable methods.
- (3) If the licensee is affiliated with other licensees under this Act, a composite report may be filed on behalf of all affiliated licensees within the State of Alabama, but such composite report shall not be required by the supervisor.
- (4) Such report shall be made under oath and shall be in the form prescribed by the supervisor who shall make and publish annually an analysis and recapitulation of such reports.

Section 11. (a) Rules, Regulations and Orders. The supervisor shall have authority to make reasonable rules, regulations and orders for the administration and enforcement of this Act, in addition hereto and not inconsistent herewith. Such regulation or order shall be referenced to the section or sections of the Act which set forth the legislative standard which it interprets or to which it applies. Every regulation shall be promulgated by an order, and any ruling, demand, requirement, or similar administrative act may be promulgated by an order. Every order shall be in writing, shall state its effective date and the date of its promulgation, and shall be entered in an indexed permanent book which shall be a public record. A copy of every order promulgating a regulation and of every other order containing a requirement of general application shall be mailed to each licensee at least ten days before the effective date thereof. The failure of a licensee to receive a copy of the regulations shall not exempt him from the duty of compliance with the valid regulations lawfully issued.

(b) Certified Copies of Official Documents. On application of any person and payment of the costs thereof, the supervisor shall furnish, under his seal and signed by him or his deputy, a certified copy of any license, regulation, or order. In any court or proceeding such copy shall be prima facie evidence of the fact of the issuance of such license, regulation or order.

Section 12. Advertising. No licensee or other person subject to this Act shall advertise, display, distribute, or broadcast, or cause to permit to be advertised, displayed, distributed, or broadcast, in any manner whatsoever, any false, misleading, or deceptive statement or representation with regard to the rates, terms, or conditions for regulated loans. The supervisor may require that charges or rates of charge, if stated by a licensee, be stated fully and clearly in such manner as he may deem necessary to prevent misunderstanding thereof by prospective borrowers. The supervisor may permit licensees to refer in their advertising to the fact that their business is under state supervision, subject to conditions imposed by him to prevent an erroneous impression as to the scope or degree of protections provided by this Act.

Section 13. (a) Other Business in Same Office. No licensee shall conduct the business of making loans under this Act within any office, suite, room or place of business in which any other business is solicited or engaged in or in association or conjunction with any other business until three days' written notice of an intention so to do has been given the supervisor. Upon receipt of written notification, the supervisor may investigate the facts and, if he finds that the character of the licensee and the nature of the other business warrant belief that such conduct of business would conceal violation or evasion of this Act or of regulations lawfully made hereunder, he shall enter an order directing the licensee to discontinue said other business. The order shall be entered in the manner specified in and subject to the provisions of Section 5(c) of this Act. Provided however, within any premises used by a licensee hereunder for the purpose of making loans hereunder, a licensee, or an affiliate of the licensee, may, without notice to or approval from the supervisor, solicit, engage in and operate any of the following businesses, to wit:

(a) Business of purchasing from dealers and others, existing promissory notes, accounts, account receivables and other obligations of third parties;

(b) Business of lending money pursuant to any other law of this State;

(c) Business of selling, writing and/or issuing all types of insurance authorized by this Act; and

(d) Business of selling repossessed collateral.

(b) Business Confined to Licensed Office. No licensee shall conduct the business of making loans provided for by this Act under any name, or at any place of business within this state, other than that stated in the license. Nothing herein shall prevent the making of loans by mail nor prohibit accommodations to individual borrowers when necessitated by sickness or other emergency situations.

(c) Liens on Real Estate. No licensee shall take a lien upon real estate as security for any loan with an original principal amount of one thousand dollars (\$1,000) or less made under this Act, except such lien as is created by law through the rendition or recording of a judgment. Nothing herein shall be construed as preventing a licensee from taking a lien upon real estate as security for any loan with an original principal amount in excess of one thousand dollars (\$1,000), exclusive of insurance premiums, finance charges, or other charges incidental to the loan. Provided however, a licensee shall not acquire as security for any loan, a purchase money first lien on an existing residential dwelling in which the consumer-borrower resides or expects to reside within sixty (60) days following the date of said loan; but the aforementioned limitation shall not apply to a licensee financing the sale of its own property.

Section 14. (1) Maximum Rates of Interest and Charge. Every licensee hereunder may contract for and receive interest on any regulated loan of money an amount at a rate not exceeding two per cent (2%) a month on that part of the unpaid principal balance not in excess of two hundred dollars (\$200), one percent (1%) a month on that part of the unpaid principal balance in excess of two hundred dollars (\$200) but not exceeding three hundred dollars (\$300) and one-half percent (.5%) a month on that part of the unpaid principal balance in excess of three hundred dollars (\$300).

(2) Charges on Loans of One Hundred Dollars (\$100) or Less. On a cash advance of one hundred dollars (\$100) or less a licensee may charge, in lieu of charges specified in subsection (1) of this section, not in excess of three dollars (\$3) per month for the term of the loan contract, provided that monthly payments of thirteen dollars (\$13) or more shall be required; and provided further, such charges cannot be assessed by any subterfuge or device on any loan over one hundred dollars (\$100) or on any balance of one hundred dollars (\$100) or less when the original cash advanced was greater than one hundred dollars (\$100).

(3) Installment Maintenance Fee. In addition to all other charges made and provided for herein, on any loan with a cash advance of more than one hundred dollars (\$100) a licensee may charge an installment maintenance fee of fifty cents (\$.50) per installment, provided said installments are not due more frequently than monthly; and provided further that no interest or other charges shall be charged or calculated on said monthly installment maintenance fee, but nothing herein shall prevent the determination of the total amount of said installment maintenance fee and adding same to the face of any precomputed note.

(4) (a) Method of Computing Charges. Interest or charges on loans made under this Act shall not be paid, deducted, discounted or received in advance or compounded but the rate of charge authorized by this Section may be precomputed as provided in Paragraph B of this subsection. For the purpose of this Section one month shall be that period of time from any date in a month to a corresponding date in the next month and if there is no such corresponding date then to the last day of the next month and a day shall be considered  $\frac{1}{30}$  of a month when computation is made for a fraction of a month.

(5) (a) Refund. When the interest charge is precomputed or the charge in lieu of interest is precomputed on any loan contract and said contract is paid in full by cash, a new loan, renewal or otherwise, one month or more before the final installment date, the licensee shall refund or credit the borrower with that portion of the total charges, excluding any adjustment of interest for a first period of more than one month, which shall be due the borrower as determined by schedules prepared under the rule of 78ths or sum of the digits principle as follows: The amount of the refund or credit shall be as great a proportion of the total charges originally contracted for, as the sum of the periodic time balances of the contract scheduled to follow the date of prepayment in full bears to the sum of all the periodic time balances of the contract according to the payment schedule originally contracted for. When the first installment period is more than one month, if a prepayment occurs before the first installment date, interest shall be recomputed at the contract rate and the recomputed interest shall be retained in lieu of all precomputed interest. Where any debt, on which a charge is made in lieu of interest, is renewed or refinanced by any creditor or creditor's affiliate within a period of sixty (60) days from the date such debt is incurred, the debtor shall be entitled to a daily pro-rata refund or credit of the unearned portion of the original finance charge computed as of the date of such renewal or refinancing. If installment maintenance fees have been added into the face of the note, and said note is prepaid in full more than one month prior to the final maturity date, then borrower shall be entitled, as of date of prepayment, to a refund credit of the unused installment maintenance fees equal to one fee for each unmatured scheduled installment due date.

(b) When the interest charge is precomputed on any loan contract and said loan contract is not prepaid in full but becomes partially prepaid in an amount equal to three (3) or more installments, the licensee shall reduce the balance due by the amount that would be required to be refunded for prepayment in full on the date of such partial prepayment and compute charges as payments are made thereafter in the manner prescribed in subparagraph (a) of subsection 4 hereof or the licensee may with the consent of the borrower reschedule the remaining installments and precompute charges as prescribed in subparagraph (b) of subsection 4 hereof.

(6) Default or Extension Charges. (a) When a scheduled payment is in default thirty (30) days or more, the licensee may charge and collect a late charge not exceeding five per cent (5%) of the amount of such scheduled payment or of fifty cents (\$.50) on each such scheduled payment in default, whichever is lesser. Such late charge may be collected only once on any scheduled payment regardless of the period which it remains in default.

(b) With respect to a precomputed loan if payment of all unpaid installments is deferred one or more full months and the contract so provides, the licensee may charge and collect additional interest and/or charges equal to the difference between the rebate that would be required for prepayment in full as of the scheduled due date of the first deferred installment and the rebate which would be required for prepayment in full as of one month prior to that date, multiplied by the number of full months in which no scheduled payment is made or required by reason of the deferment. If a rebate of precomputed interest is required during a period of deferment, a pro-rata rebate of the deferment charge must also be made, or, in lieu of making a separate rebate of the deferment charge, a licensee may combine the rebate for prepayment in full and the rebate of a deferment charge by including all unpaid deferred balances in the numerator of the fraction used to compute rebate for prepayment in full.

(7) In addition to the general authority granted to him by Section 11(a) of this Act, the Supervisor shall have power and authority to make such rules and regulations as he may deem necessary or advisable to insure that rebates, default charges and deferment charges are so computed, paid to, or collected from borrowers that the total charges collected by licensees shall not exceed those authorized by this Act.

(8) With respect to a debt secured by an interest in real estate, a licensee may deduct from the loan proceeds, contract for, charge to and/or collect from the borrower, fees and premiums for title examination, abstract of title, title insurance, and costs of clearing any objections to or clouds upon the title to any real estate, provided such charges are bona fide, reasonable in amount, not for the purpose of circumvention or evasion of this Act, and not paid to the licensee, an employee of the licensee or a person related to the licensee.

(9) No Further Charge, No Splitting Contracts. No further or other charges shall be directly or indirectly contracted for or received by any licensee, including insurance premiums of any kind except those specifically authorized by this Act. No licensee shall divide into separate parts any contract made for the purpose of or with the effect of obtaining charges in excess of those authorized by this Act. All balances due to a licensee from any person, as a borrower, or as an endorser, guarantor or surety for any borrower or otherwise, or due from any husband or wife,

jointly or severally, shall be considered a part of any loan being made by a licensee to such person for the purpose of computing charges.

(10) Installment Payment, Contract Period. No licensee shall enter into any contract of loan under this Act in which the borrower agrees to make any scheduled repayment of the cash advance more than forty-eight (48) months and fifteen (15) days from the date of making such contract of loan if the original principal amount is two thousand and five hundred dollars (\$2,500) or less but more than one thousand dollars (\$1,000), or more than thirty-six (36) months and fifteen (15) days if the original principal amount is one thousand dollars (\$1,000) but more than three hundred dollars (\$300), or more than twenty-four (24) months and fifteen (15) days if the original principal amount is three hundred dollars (\$300) or less. Any loan with an original principal amount of more than two thousand and five hundred dollars (\$2,500) may be repaid over such term as the parties may contract. Every loan contract on which interest is precomputed and added into the face of the note, shall require payment of the cash advance and interest in installments substantially equal in amount and payable at approximately equal periodic intervals, except that the first installment may be larger when the first installment period exceeds one month and except that payment dates may be omitted to accommodate borrowers with seasonal incomes.

(11) No licensee shall induce or permit any person, or any husband and wife jointly or severally, to become obligated directly or contingently, or both, under more than one contract of loan at the same time, for the purpose of obtaining a higher rate of charge than would otherwise be permitted by this section. And it shall be unlawful for any licensee to evade, or attempt to evade this section by inducing a customer to borrow from another licensee in which he has pecuniary interest or with whom he has an arrangement for exchange of customers.

Section 15. Requirements for Making and Payment of Loans. (1) At the time a consumer loan as defined by the Federal Consumer Credit Protection Act is made every licensee shall provide to the borrower and/or borrowers a Disclosure Statement in compliance with the Federal Consumer Credit Protection Act.

(2) Every licensee shall give to the person making any cash payment on account of any loan a receipt at the time such payment is made which receipt need only show the total amount of such cash payment; provided however, no receipt shall be required in the case of payments made by the borrower's check or money order, and the use of a coupon book system shall be deemed in compliance with this section.

(3) Every licensee shall permit the payment to be made in advance in any amount on any contract of loan at any time during a licensee's regular business hours.

(4) Upon repayment of the loan in full, every licensee shall mark plainly every obligation and security signed by any obligor with the word "Paid" or "Cancelled", and restore any pledge and cancel and return any note and any assignment given to the licensee.

(5) Confessions of Judgment; Incomplete Instruments. No licensee shall (1) take any confession of judgment or any power of attorney running to himself or to any third person to confess judgment or to appear for the borrower in a judicial proceedings; nor (2) take any note, or promise to pay, that does not disclose the total amount to be repaid, a schedule of

payments or a description thereof, and the agreed rate or amount of interest, or the amount of charge in lieu of interest, and the amount of installment maintenance fee nor any instrument in which blanks are left to be filled in after execution.

(6) Every loan contract shall provide for repayment of principal and charges at approximate equal periodic intervals of time of which shall be so arranged that no installment is substantially greater in amount than any preceding installment.

**Section 16. Additional Security for Loans.** (1) Credit Life Insurance and Credit Accident and Health Insurance may be offered by the licensee to its borrowers and if accepted, may be provided by the licensee. No life insurance may be offered on loans of \$100 or less exclusive of insurance and other charges, and no health and accident insurance may be offered on loans of \$300 or less exclusive of insurance and other charges. The charge to the debtor for any insurance shall not exceed the premium charged by the insurer. Any of the aforementioned insurance with respect to any credit transaction shall not exceed the approximate amount and term of the transaction.

(a) The premium or identifiable charge collected by licensee or its officers, agents or employees shall not exceed that premium approved by the insurance commissioner of the State of Alabama for the company writing such insurance; provided however, that in no event shall the premium or identifiable charge exceed 50¢ per annum for each \$100 of life insurance.

(b) Every policy and/or certificate evidencing the aforementioned coverages written or issued in connection with any loan transaction shall provide for cancellation thereof and a refund of the unearned premium or identifiable charge upon discharge of the loan obligation in connection with which said insurance was written, with such termination to be without prejudice to any claim. Such refund shall be made under a formula filed by the insurer with the Department of Insurance except, however, no refund of less than \$1.00 need be made.

(2) A licensee may require any borrower to insure any and all property pledged and/or mortgaged as security for any loan transaction, against loss of and damage to said property, provided that the original unpaid principal balance, exclusive of the charges for insurance, is \$300.00 or more and the value of the property is \$300.00 or more. The aforementioned insurance shall be otherwise reasonable in relation to the loan transaction, and the supervisor shall promulgate regulations as to what is reasonable.

(a) All of the aforementioned insurance shall be written in a company authorized to conduct business in this state.

(b) Licensee shall not require the purchase of any of the aforementioned insurance from any agent or broker designated by the licensee, but such does not preclude the licensee from obtaining such coverage from the borrower upon said borrower's request.

(c) Borrower may satisfy the requirements of any licensee for any required insurance coverage, with existing coverages which equal or exceed the standards herein stated and licensee shall not decline any existing coverage, provided said existing coverage can be endorsed in favor of the licensee as licensee requires.

(3) All types of insurance not authorized in this Act are hereby specifically prohibited.

(4) For all insurance which is authorized in connection with any loan transaction, the licensee or any employee of licensee may deduct premiums or identifiable charge for any of the aforementioned insurance from the proceeds of loan and/or may collect same directly from the borrower and transmit same to the proper insurance company or companies.

(5) Any gain or advantage in the form of commissions or otherwise, to the licensee or to any employee, affiliate or associate of the licensee from such insurance or its sale, shall not be considered an additional or further charge in connection with the loan.

(6) No licensee shall execute any contract or agreement with any insurance company which permits said licensee to retain any portion of any insurance premium for the payment of losses incurred or to be incurred under any policies or certificates of insurance issued by an insurance company.

(7) No licensee shall pay or require to be paid to any insurance company a premium for any required or permitted insurance hereunder for a policy term longer than the shorter of the following two periods:

(a) sixty (60) months; or

(b) the term of the loan or if the policy term cannot be written exactly for the term of the loan, then for the term of the loan plus the shortest period possible.

Section 17. Consumer Protection. (1) Every note evidencing a loan made by a licensee shall contain the following statement in eight point type immediately above the space for the borrower's signature.

**"CAUTION—IT IS IMPORTANT THAT YOU THOROUGHLY READ THIS CONTRACT BEFORE YOU SIGN IT."**

(2) **Attorneys' Fees After Default.** With respect to a loan with an original principal amount of \$300 or less a licensee may not contract for payment by the debtor of attorney's fees. With respect to larger amounts the contract may provide for the payment by debtor of reasonable attorney's fees not exceeding fifteen per cent (15%) of the unpaid debt after default and referral to an attorney not a salaried employee of the licensee. A provision in violation of this subsection is unenforceable.

(3) No licensee under this Act shall bring suit on any debt for collection, and no judgment by default or otherwise shall be rendered until the licensee shall file an affidavit stating that (a) There has not been a violation of provisions of this Act, and (b) that the debtor (if a resident of this state) on information and belief of creditor is a resident of the county in which the suit is filed. If such violation exists or if the debtor is not a resident of the county in which suit is filed, the suit shall be abated.

(4) Prior to entry of judgment a licensee may not attach unpaid earnings of the debtor by garnishment. The garnishment procedure after judgment shall be as provided by other state law except that the amount subject to garnishment shall not exceed that permitted by federal law.

(5) If the court as a matter of law finds any consumer loan agreement or any provision thereof be contrary to law and to have been

unconscionable before, after or at the time it was made the court may refuse to enforce the agreement, or it may enforce the remainder of the agreement without the unconscionable provision, or it may so limit the application of any unconscionable provision as to avoid any unconscionable result.

**Section 18. Loans Made Elsewhere.** Any loans made outside this state in accordance with the law applicable to such loan in the state in which the loan was made may be collected in this state.

**Section 19. Review.** In addition to any other remedy he may have, any licensee and any person considering himself aggrieved by any act or order of the supervisor hereunder may, within thirty days from the entry of the order complained of, or within sixty days of the act complained of if there is no order, petition the circuit court of Montgomery County to review such act or order; provided such petition shall be docketed, heard and tried in the same manner as other extraordinary writs issued by the court and a copy of the petition and order setting the same for hearing shall be served on the supervisor, giving him such notice of the time and place of the hearing as may be directed by the court.

**Section 20. Pre-Existing Contracts.** This Act or any part thereof may be modified, amended, or repealed so as to effect a cancellation or alteration of any license or right of a licensee hereunder, provided that such cancellation or alteration shall not impair or affect the obligation of any pre-existing lawful contract between any licensee and any borrower.

**Section 21. Status of Pre-Existing Licensee.** (a) Any person having a license under Act No. 374 of the 1959 Regular Session of the Legislature of Alabama, as amended, in force when this Act becomes effective, shall be deemed to have a license under this Act, renewable as provided herein. Any such license so continued in effect under the provisions of this Act shall be subject to revocation as provided in Section 8 of this Act; except that such license may not be revoked nor shall an application for a new license be denied upon the ground that the convenience and advantage of such community will not be promoted by the operation therein of such business.

**Section 22. Records.** (a) The supervisor shall cause to be kept on file in the bureau of loans, open to public inspection during business hours, an alphabetical listing of all licensees doing business in Alabama; and such list shall reveal the true ownership of the licensee companies. If the company is a corporation, the list shall indicate the name of the corporation, the address of the home office, and the names and addresses of its officers and directors.

(b) Except as provided in subsection (a) of this section, all applications, reports, and other papers and documents submitted by licensees to the supervisor or to the bureau shall be open to public inspection only upon approval of the supervisor; but the supervisor shall not deny any person access to such records when the disclosure thereof to such person is in the public interest.

**Section 23. (a) Repealer.** The provisions of Act No. 159, H. B. 233, approved June 23, 1945 (General Acts of Alabama, page 200) as amended, are hereby repealed. The provisions of Act No. 374, H. B. 102 of the Regular Session of 1959, approved November 6, 1959, are hereby repealed. The provisions of Section 18(f) of Act No. 2052, S. B. 122 of the Regular Session of 1971, approved October 1, 1971, are hereby repealed. All other laws or parts of laws which conflict with this Act are also repealed. All or



any part of the repeal of laws stated in this Section shall not be construed to be an abolition of the bureau of loans, whose existence is hereby continued as a state agency.

(b) Status of Pre-Existing Contracts. Nothing in this Act shall be construed so as to impair or affect the obligation of any contract of loan between any licensee under Act No. 374, H. B. 102 of the Regular Session of 1959, approved November 6, 1959, as amended, and any borrower which was entered into prior to the effective date of this Act. On the effective date of this Act, all existing contracts held by any licensee made under and pursuant to Act No. 2052, S. B. 122 of the Regular Session of 1971, approved October 1, 1971, as amended, shall be collected by the licensee in the same manner as if the Act had not been passed and nothing herein contained shall be construed so as to impair or affect any of the aforementioned existing contracts.

(c) Effect of Other Laws. Licensees making loans under this Act shall not be subject to provisions of Alabama Consumer Credit Act of 1971 (Act No. 2052 of the 1971 Regular Session of the Legislature of Alabama, as amended), or to the limitations contained in Title 9, Code of Alabama 1940, as amended or recompiled, or to any other laws of the State of Alabama which are in conflict with the provisions herein. Loans made under said Consumer Credit Act or under said Title 9 shall not be subject to the provisions of this Act. Nothing herein shall be construed to repeal, amend or modify the provisions of Act No. 3 of the 1969 Regular Session (General Acts Alabama, Regular Session 1969, p. 297) and of Act No. 4 of the 1969 Regular Session (General Acts Alabama, Regular Session 1969, p. 297). It is the express legislative intent that the aforementioned named acts be and remain in full force and effect and any loans made pursuant thereto by any licensee hereunder shall be deemed to have been made under the aforementioned acts and not under the provisions of this Act and nothing in this Act shall be construed to prevent, prohibit or bar the licensee hereunder from making loans under the aforementioned named acts.

Section 24. The provisions of this act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 25. Citation of Act. This Act shall be known and may be cited as the "Alabama Regulated Loan Act".

Section 26. Effective Date. This Act shall become effective 90 days after its passage and approval by the Governor or upon otherwise becoming law.

#### REPORTS OF COMMITTEES RESUMED

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Mitchell, King and Stewart (With Substitute):

S. 1018. Relating to elections; to define "primary elections"; to provide party may choose to come under law; to define "political party";

to define the term "total vote"; to provide which elections are within the law; to provide for the date of elections; allows party to elect convention delegates by presidential preferential primary; to provide for party committees and their election; to provide for payment of expenses of primary elections; to provide method of filing declaration of candidacy and require party chairman to certify such candidates; to require candidates to be eligible to hold office; to provide for public notice to election; to establish who may vote in primary; to provide for method of registering voters by political party preference and requiring all voters in future primaries to be registered as a member of respective party; to provide for method of changing party registration; to allow parties to assess fees against candidates; to allow candidates to nominate election officers and provides for oath of said officers; to provide for official ballots and election stationery; to provide for ballot boxes and voting machines to be used; to provide official form of ballot; provides method of challenging voters; to provide regulations for handling challenged ballots; to provide methods of casting votes; to provide for poll watchers; to provide for assistance to voters unable to read English; to provide duties of sheriff; to provide time of counting ballots; to provide for disposition of ballots, lists and supplies; to require public proclamation of the result; to provide for tabulation and declaration of results by precinct; to provide for declaration of candidate or nominee; to provide for date of second primary; to provide for breaking tie votes; to provide for certification of nominees to probate judge; to provide for filling vacancies in nominations; to provide for method, time and place of mass meetings; to provide penalties for violation of mass meeting law; and to repeal Code of Alabama 1940, Title 17, Chapter 2.

#### REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions and Senate Bills delivered to the Governor, with the date and hour of delivery, to-wit:

S. B. 132

S. J. R. 68

Delivered to the Governor, August 12, 1975, at 2:30 P.M.

S. B. 792

S. J. R. 56

S. J. R. 59

S. J. R. 62

S. J. R. 70

Delivered to the Governor, August 19, 1975, at 3:10 P.M.

S. B. 305

Delivered to the Governor, August 21, 1975, at 10:50 A.M.

S. B. 326

S. B. 783

Delivered to the Governor, September 2, 1975, at 2:10 P.M.

S. B. 163

S. B. 165

S. B. 166

S. B. 167

S. B. 168

S. B. 304

Delivered to the Governor, September 4, 1975, at 1:30 P.M.

S. J. R. 92

S. J. R. 94

S. J. R. 95

S. B. 868

Delivered to the Governor, September 4, 1975, at 4:00 P.M.

McDOWELL LEE,  
Secretary.

#### SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

#### ADJOURNMENT

At 10:15 P.M., on motion of Mr. Fine, pending further consideration of the Bill, H. B. 899, the Senate adjourned until Tuesday, September 9, 1975 at 10 o'clock A.M.

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#### TWENTY-EIGHTH LEGISLATIVE DAY

TUESDAY, SEPTEMBER 9, 1975

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

#### PRAYER

The Session was opened with prayer by the Reverend Wardell Bonner, Minister, Thirgood Memorial C.M.E. Zion Church, Birmingham, Alabama.

#### ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Weaver, Wilson.

## JOURNAL

On motion of Mr. Fine, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Seventh Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

E. C. FOSHEE,  
Chairman.

## COMMITTEE REPORT

On motion of Mr. Foshee, the foregoing report was concurred in and the Journal of the Senate for the Twenty-Seventh Legislative Day was approved by the Senate.

## INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Fine:

S. 1161. Relating to counties having a population of not less than 23,900 nor more than 24,450 inhabitants according to the most recent federal decennial census; to provide for an additional expense allowance for the court reporter of the circuit court of said counties.

Committee on Local Legislation No. 1.

By Mr. McDonald (A):

S. 1162. To regulate and control the sale of alcoholic beverages in Madison County, Alabama; to authorize the City of Triana in said County to license, regulate, and control the sale of alcoholic beverages within the corporate limits and the police jurisdiction thereof; to provide that the Council or other governing body of the City of Triana, in Madison County, shall have the power to suspend or revoke any retail liquor or malt or brewed beverage license issued by said city; to provide for the reclassification of existing retail malt and brewed beverages and retail liquor licenses; to provide that nothing herein shall relieve any licensee from complying with all of the laws of the State of Alabama and the rules and regulations of the Alcoholic Beverage Control Board of the State of Alabama pertaining to said licensee; to provide that licensees have all required food holding permits from the Madison County Department of Public Health; to provide for the revocation and suspension of licenses for certain violations; to regulate the hours of retail liquor and retail malt or brewed beverage establishments within said County; to provide for the prompt reporting of all assaults, assault and batteries, affrays, and other altercations occurring upon licensed premises.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF MADISON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To regulate and control the sale of alcoholic beverages in Madison County, Alabama; to authorize the City of Triana in said County to license, regulate, and control the sale of alcoholic beverages within the corporate limits and the police jurisdiction thereof; to provide that the Council or other governing body of the City of Triana, in Madison County, shall have the power to suspend or revoke any retail liquor or malt or brewed beverage license issued by said city; to provide for the reclassification of existing retail malt and brewed beverages and retail liquor licenses; to provide that nothing herein shall relieve any licensee from complying with all of the laws of the State of Alabama and the rules and regulations of the Alcoholic Beverage Control Board of the State of Alabama pertaining to said licensee; to provide that licensees have all required food handling permits from the Madison County Department of Public Health; to provide for the revocation and suspension of licenses for certain violations; to regulate the hours of retail liquor and retail malt or brewed beverage establishments within said County; to provide for the prompt reporting of all assaults, assault and batteries, affrays, and other altercations occurring upon licensed premises.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be unlawful for any person, firm, corporation, or association to sell or offer for sale any spirituous or vinous liquors in Madison County except at Alabama Alcoholic Beverage Control Liquor Stores, and at retail liquor establishments located within the corporate limits of the City of Triana in Madison County and licensed by the general laws of the State of Alabama, and also licensed by the City of Triana as herein provided.

Section 2. It shall be unlawful for any person, firm, corporation, or association to sell or offer to sell any malt or brewed beverages in Madison County, Alabama, except licensees of the Alcoholic Beverage Control Board of the State of Alabama located within the city limits or the police jurisdiction of an incorporated municipality thereof. Provided, however, that any wholesaler, distributor, or jobber, or retailer licensed to sell malt or brewed beverages shall also be authorized to sell draft beer provided said draft beer shall not be held for sale or sold in containers exceeding a maximum capacity of 288 ounces. The limitation herein stated on the maximum capacity of draft beer containers shall not apply however at any time the general law of the State allows draft beer to be sold or held for sale in larger or unlimited size containers.

Section 3. The Council or other governing body of the City of Triana, in Madison County, is hereby authorized to adopt and enforce such ordinances and rules and regulations to govern the licensing and sale of

spirituous or vinous liquors and malt or brewed beverages as may, from time to time, be deemed necessary or desirable, which said ordinances and rules and regulations may include any provision or regulation concerning the licensing and operation of same as could be lawfully passed by the Legislature of the State of Alabama, including but not limited to such matters as the regulation or prohibition of live entertainment, Sunday sales, minimum requirements for the service of food, and separation of establishments from other retail businesses, trades, or professions. Each licensee of the City of Triana under the provisions of this act shall, in order to be eligible for said license, meet all of the requirements of the general laws of the State of Alabama, and the rules and regulations of the Alabama Alcoholic Beverage Control Board, and in addition, shall meet such other additional and further requirements as may be provided by ordinance of the respective municipality. It shall be unlawful for any licensee of the City of Triana, licensed under the terms of any ordinance adopted pursuant to this act, to sell or offer for sale any spirituous or vinous liquors or malt or brewed beverages without, at the time, being in possession of a separate and valid license from both the Alabama Alcoholic Beverage Control Board and the municipality.

Section 4. The Council or other governing body of the City of Triana, in Madison County, shall have the power to suspend or revoke for cause after notice and hearing and retail liquor license or any retail malt or brewed beverage license issued by said City pursuant to this Act. In addition to the grounds for revocation or suspension of any said license now authorized by law, the governing body of the City of Triana may also revoke and suspend any said license issued by said City for the violation of any ordinance or rule or regulation adopted pursuant to this act, or for the failure of any licensee to continuously operate and maintain said establishment in accordance with the ordinances, rules, regulations and standards duly adopted by said governing body. All notices shall be given, all hearings shall be held, and all penalties assessed, under the same requirements and procedures which would be required for a similar act by the Alabama Alcoholic Beverage Control Board.

Section 5. On or before September 1, 1975, the governing body of the City of Triana shall classify all retail liquor and malt or brewed beverage licenses then authorized within such municipality, according to their eligibility for a license under the laws of the State of Alabama and the rules and regulations of the Alcoholic Beverage Control Board of the State of Alabama, and in accordance with any additional ordinances or rules and regulations adopted pursuant to this act, which said classification shall immediately be filed with the Alcoholic Beverage Control Board of the State. No license for the license year beginning October 1, 1975, and thereafter, shall be issued by the Alcoholic Beverage Control Board for the State for the renewal of an existing license, or for the establishment of any new license unless the same complies in all respects with the eligibility and classification requirements of the laws of the State of Alabama and the rules and regulations of the Board.

Section 6. Nothing herein shall relieve any licensee from complying with all of the laws of the State of Alabama and the rules and regulations of the Alabama Alcoholic Beverage Control Board pertaining to such licensee. The authority herein granted to the City of Triana, in Madison County, shall be cumulative and shall not relieve or suspend any other power held by said city under the general laws of the State concerning the regulation and control of alcoholic beverages, nor shall this act be held to

restrict the powers of the cities and towns in this State under the municipal laws of the State.

Section 7. No applicant shall be deemed eligible for a license under this act until and unless it is the holder of all required permits from the Madison County Department of Public Health. No establishment shall be eligible for a license under this act unless the same meets the minimum requirements of the Fire Prevention Codes of the State of Alabama and of the incorporated municipality in which it is located.

Section 8. It shall be unlawful for any malt or brewed beverage licensee, or for any restaurant or hotel liquor licensee within Madison County to sell or offer for sale any alcoholic beverages, or to allow the consumption of same, on the licensed premises between the hours of 2:00 A.M. and 10:00 A.M. The governing bodies of each incorporated municipality within Madison County shall have the authority to further restrict the hours of operation of any retail malt or brewed beverage licensee, and of any retail liquor licensee located within their jurisdiction.

Section 9. It shall be the duty of each officer, owner, manager, or person in charge of any retail liquor or retail malt or brewed beverage licensed premises in Madison County to immediately make an appropriate report by telephone to the Police Department of the municipality in which the premises are located and to the Madison County Sheriff, of each assault, assault and battery, affray, or other altercation of any kind or nature occurring on the licensed premises, while said person is in charge thereof and while said premises are open for business. It shall further be the duty of said person to make a written report of each said incident to the Police Department of the municipality and to the Madison County Sheriff within 36 hours. Failure to make either of said reports shall be grounds for revocation or suspension of the license for the operation of said establishment.

Section 10. It shall be the duty of each retail liquor and malt or brewed beverage licensee in Madison County to keep prominently posted, in view of the customers or patrons of such establishment, the price of each drink or beverage offered or sold by said establishment at any time such prices are not so posted.

Section 11. All laws and parts of laws in conflict with this act are repealed.

Section 12. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

#### STATE OF ALABAMA COUNTY OF MADISON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Ida Mae Echols, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was Legal Advertising Manager of the Huntsville Times, a newspaper of

general circulation published in Madison County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 14, June 21, June 28, and June 30, all in the year 1975.

IDA MAE ECHOLS.

Sworn to and subscribed before me 5 September, 1975.

OPAL H. DILWORTH,  
Notary Public.

By Mr. Owen:

S. 1163. In order to provide support funds for the Department of Public Safety to employ additional troopers in fiscal year 1975-76. This bill provides that funds in the approximate amount of \$350,000.00 (Three hundred fifty thousand dollars) or such other amount appropriated to the use of the Department of Public Safety for "Other Salaries" which will revert to the General Fund September 30, 1975, be appropriated and reallocated to the Department of Public Safety for "Other Expenses" in fiscal year 1975-76.

Committee on Finance and Taxation.

By Messrs. Little and Torbert:

S. 1164. To provide for supplementing the salaries or compensation paid to retired or supernumerary Circuit Judges in the 37th Judicial Circuit.

Committee on Local Legislation No. 1.

By Messrs. Little and Torbert:

S. 1165. Relating to any judicial circuit composed of a county having a population between 60,000 and 65,000 inhabitants according to the most recent or any subsequent federal decennial census; to provide for the fixing of fees of official court reporters of such judicial circuit to be taxed as court costs.

Committee on Local Legislation No. 1.

By Mr. Powell:

S. 1166. Relating to banks and branch banking: To permit the establishment of branch banks at any location within the county in which a bank has its principal place of business with the consent and approval of the Superintendent of Banks and to repeal all laws or parts of laws in conflict with this Act.

Committee on Banking.

By Mr. Fine:

S. 1167. To amend Section 46 of Act No. 414, Acts of Alabama of 1959, page 1073, known as the "Alabama Business Corporation Act," by adding at the end of the second paragraph thereof the following: "Provided, however, if a corporation is engaged in the business of banking, its books and records of account and minutes relating to the private



financial affairs of borrowers and depositors shall not be subject to examination by such a stockholder or by his agent or attorney in the absence of an order of a court of competent jurisdiction, after inspection of such books and records of account and minutes in camera, that such examination is necessary; and said order shall be subject to review in the Supreme Court of Alabama on writ of mandamus. Provided further that if a corporation is engaged in the business of banking, its said books and records of account and minutes shall be deemed not to include any reports of examination by state or federal supervisory agencies"; to provide that the provisions of this act are severable; and to provide an effective date.

Committee on Banking.

By Messrs. Torbert and Little:

S. 1168. Relating to the 37th judicial circuit; to provide for the official court reporters of the 37th judicial circuit to be paid additional compensation at the discretion of the county commission of the county comprising such circuit.

Committee on Local Legislation No. 1.

By Mr. Wilson:

S. 1169. To repeal Section 7 of Act No. 298, Senate 341, Regular Session 1943 (Acts 1943, p. 252) as amended, relating to labor and known as the "Bradford Act."

Committee on Business and Labor Relations.

By Mr. Waldrop:

S. 1170. Relating to all cities having a population of 7,000 to 8,000 inhabitants, according to the most recent Federal Decennial Census; to provide that all city boards of education in such cities shall have the power to borrow against revenue derived from the sale of malt or brewed beverages for capital outlay purposes; to provide for the allocation of such revenues; to provide in whom the power to secure loans shall be invested and the procedure to follow; to provide for the payment of any outstanding indebtedness should the voters of any such cities, at any time in the future, vote to prohibit legal sales of alcoholic beverages; to provide that all laws in conflict are hereby repealed; and its becoming effective upon its signing by the Governor or its otherwise becoming law.

Committee on Local Legislation No. 1.

By Mr. Waldrop:

S. 1171. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, so as to provide that if the qualified voters of Etowah County approve thereof at an election, then the Etowah County governing body shall have general legislative authority and shall exercise complete home rule, including total authority in the field of taxation for county purposes, without the necessity of any enabling legislation on the part of the Alabama Legislature.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

## RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 113. Resolved by the Senate, That the following bills shall be the paramount and continuing order of business, immediately upon adoption of this resolution, taking precedence over all other business, for the 28th legislative day only:

All uncontested local bills as they appear on the calendar.

Bill No.	Page No.	Description
S. B. 441	102	Firefighters
S. B. 169	3	Insurance Department
S. B. 171	4	Insurance Department
S. B. 992	110	Sod farm
S. B. 382	113	Mental Health
S. B. 698	24	Mental health
S. B. 748	183	Swine diseases
S. B. 1019	111	Department of Agriculture
H. B. 412	117	Labeling of eggs
S. B. 106	25	Emergency care
S. B. 525	68	Education
S. B. 440	7	Voting
S. B. 223	19	PSC
S. B. 142	19	Rescue Squads
S. B. 964	108	PSC
S. B. 668	89	Credit cards
S. B. 891	107	Warehouses
H. B. 857	214	Probate judges
S. B. 704	104	District Attorneys
H. B. 234	46	Nursing
S. B. 97	21	Vehicle inspection
S. B. 495	123	County temporary loans
S. B. 657	46	Insurance coverage
S. B. 755	105	Engineering
S. B. 845	121	Utilities
S. B. 599	122	Safety
S. B. 300	139	Utility taxes

S. B. 301	140	Public schools
S. B. 309	139	Swine
S. B. 449	10	Agriculture
S. B. 450	12	Agriculture
S. B. 495	123	Temporary Loans
S. B. 966	185	Drug abuse control
S. B. 748	183	Cotton buyers
S. B. 136	37	Abandoned autos
S. B. 1097	192	Hospitals
S. B. 391	34	Local hospital boards
S. B. 245	51	Public Employees
S. B. 1106	195	Milk containers
S. B. 473	25	Dentists
S. B. 688	51	Criminal justice
S. B. 138	34	Church buses
S. B. 771	114	Health
S. B. 772	151	Health
S. B. 177	45	Health
H. B. 753	183	Youth service
S. B. 227	42	Optometry
H. B. 59	212	Education
S. B. 1018	226	Primary elections
S. B. 883	184	Political sub-divisions

On motion of Mr. Foshee, said Resolution was adopted by the Senate.

The President and Presiding Officer of the Senate refused to accept a substitute by Mr. Baker for S. R. 113.

Mr. Baker then stated that he would contest all local bills on the calendar as they are called up. The President and Presiding Officer ordered that the record show the above statement.

### UNFINISHED BUSINESS BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

H. 899. Relating to the regulated loan business; providing for regulation, examination, investigation, and licensing of individuals, firms, and corporations engaged in the business of making regulated loans and

for the suspension and revocation of licenses issued hereunder for specified reasons; prescribing maximum rates of interest and other charges for loans; providing for the administration and enforcement of the Act, prescribing penalties, providing for the proper repeal of existing laws, including Section 18 (f) of Act No. 2052, S. B. 122 of the Regular Session of 1971, approved October 1, 1971, relating to loans over \$300.00 and Act No. 374, H. B. 102 of the Regular Session of 1959, approved November 6, 1959, relating to the small loan business and Act No. 159, H. B. 233, approved June 23, 1945 (General Acts of Alabama, 1945, page 200), relating to the small loan business and providing for regulation of the same.

and pending Stewart substitute, which said substitute is set out in the Journal of the Senate for the Twenty-seventh Legislative Day.

Mr. Stewart offered the following amendment to his substitute for the Bill, H. B. 899, to-wit:

#### AMENDMENT TO SUBSTITUTE FOR H. B. 899

Amend H. B. 899 by deleting on page 3 after the word "business" on line 33 the following phrase: "Nor shall this Act apply to any person making loans to their tenants engaged in agriculture, nor to loans by agricultural supplies to persons whose principal business is farming,".

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 36. NAMING THE RED MOUNTAIN EXPRESSWAY THE "ELTON B. STEPHENS EXPRESSWAY".

Also:

S. J. R. 101. CREATING A JOINT INTERIM COMMITTEE TO STUDY AGRICULTURAL CHEMICAL PRODUCTS.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 212. To provide for a sentence of death or life imprisonment without parole in certain aggravated offenses; to prescribe the manner of charging and sentencing in such cases and to eliminate lesser included offenses in such cases; to limit the maximum punishment in all other cases to life imprisonment; to provide for an effective date of this act.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 108. APPROVING THE ATTENDANCE OF THE CHAIRMEN OF THE SENATE AND HOUSE CONSERVATION COMMITTEES AT THE ANNUAL MEETING OF THE INTERSTATE CONFERENCE ON WATER PROBLEMS AND TO REIMBURSE THEM FOR THEIR ORDINARY AND NECESSARY EXPENSES.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 212. To provide for a sentence of death or life imprisonment without parole in certain aggravated offenses; to prescribe the manner of charging and sentencing in such cases and to eliminate lesser included offenses in such cases; to limit the maximum punishment in all other cases to life imprisonment; to provide for an effective date of this act.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. McNees:

H. 1631. To create the District Court of Fayette County and to provide for its jurisdiction and functions, and to abolish the Juvenile Court of Fayette County and the County Court of Fayette County created by Act Number 27, Acts, 1963.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL  
TO BE ENACTED  
AN ACT

To create the District Court of Fayette County and to provide for its

jurisdiction and functions, and to abolish the Juvenile Court of Fayette County and the County Court of Fayette County created by Act Number 27, Acts, 1963.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby established the District Court of Fayette County with jurisdiction coextensive with the county of criminal and civil matters as hereinafter provided.

Section 2. (a) Except as provided in subsection (b), the court shall have original jurisdiction, concurrent with the Circuit Court, of all misdemeanors committed within Fayette County and shall have jurisdiction of civil actions at law in which the matter or sum in controversy does not exceed Five Hundred (\$500.00) Dollars and, in addition, shall have jurisdiction in all actions, causes, matters, proceedings and cases (including paternity and bastardy proceedings and actions for unlawful detainer), heretofore cognizable before the County Court and the Juvenile Court. The court shall have jurisdiction of desertion and non-support as provided in Title 34, Section 89-104, 1940 Code of Alabama, and the Probate Court of Fayette County is hereby divested of said jurisdiction. The court shall have authority to punish contempt by a fine not exceeding \$50.00 or a term in the county jail not exceeding five (5) days, or both. It may adopt and enforce rules and regulations relative to pleadings, procedure and practice, provided such rules and regulations are not contrary to the Constitution and statutes of the State and rules of the Supreme Court governing the practice and procedure of Inferior Courts and Courts of like jurisdiction.

(b) The court shall have and exercise preliminary jurisdiction in felony cases, but the court shall not have jurisdiction to try persons charged with felonies or actions of ejectment or of any matter or proceeding cognizable only in equity; provided, that nothing herein shall be construed to limit or restrict the court in the exercise of the jurisdiction of the Juvenile Court.

(c) No criminal prosecution shall be commenced in such court except by warrant upon sworn complaint issued by the clerk or his deputy or a magistrate or public official of Fayette County authorized to issue warrants of arrest.

(d) The provisions of Chapter 7 of Title 13 of the 1940 Code of Alabama as the same may from time to time be amended, shall apply in all matters in which court exercises jurisdiction of the Juvenile Court.

(e) Appeals may be taken from final judgments or final orders of the court as follows: In criminal cases, the appeal lies to the Circuit Court of Fayette County and shall be governed by the provisions of Section 349 of Title 13, 1940 Code of Alabama. An appeal from judgments or orders made by the court in the exercise of jurisdiction of the Juvenile Court lies to the Circuit Court of Fayette County and shall be governed by the provisions of Section 362, 371 and 372 of Title 13, and Sections 95, 96 and 97 of Title 34, 1940 Code of Alabama. In civil cases, the appeal lies to the Circuit Court of Fayette County, and shall be governed by the provisions of Article 6 of Chapter 8, Title 13, 1940 Code of Alabama. In all appeals to the Circuit Court, trial shall be de novo.

(f) The County Court of Fayette County and the Juvenile Court of Fayette County are hereby abolished.

(g) In any civil action pending in the District Court of Fayette County, if the defendant files a plea of set-off or recoupment claiming an amount in excess of Five Hundred and No/100 Dollars (\$500.00) or otherwise asserting a cause of action not within the jurisdiction of the court, the judge shall enter an order transferring the case to the Circuit Court of Fayette County where the same shall proceed as if originally commenced therein.

(h) The District Court shall be a court of record, but no papers or other process in civil proceedings shall be recorded by final record, and the judge shall not be prohibited from engaging in the practice of law.

Section 3. (a) The Governor of the State of Alabama shall appoint a judge to serve as Judge of said Court until the next general election to be held in 1976, his interim term shall begin immediately after his appointment by the Governor and he takes his oath of office. A judge of said court shall be elected by the qualified electors of Fayette County at the general election to be held in 1976 and each six (6) years thereafter and the term of the judge of said court shall commence on the second Tuesday after the first Monday in January following his election, and shall continue for a period of six (6) years and until his successor shall be elected and qualified. The judge of said court; before entering upon the duties of said office, shall take the oath required by law to be taken by Judges of the Circuit Courts of Alabama. The said judge shall be a domiciled resident and a qualified elector of Fayette County, Alabama, shall be learned in the law, and shall be a member in good standing of the Alabama State Bar. Said judge may be removed from office in the manner and for the causes now provided by law for the removal of Circuit Judges. Vacancies in the office of the judge of said court shall be filled by appointment by the Governor, and the person so appointed shall hold office as required by the Constitution and laws of this state.

Section 4. (a) The judge shall have authority to: (1) grant writs of habeas corpus, certiorari, supersedeas, quo warranto, mandamus, and all other remedial and original writs which are granted by the judges of Circuit Courts at law; (2) administer oaths and take acknowledgments; (3) issue search warrants; (4) To take affidavits and issue warrants of arrest in misdemeanor and felony charges. (5) To fix bail and approve bonds in misdemeanor cases; (6) exercises, within the limits of the jurisdiction conferred by this Act, such other powers and authority as may now or hereafter be conferred by law upon judges of courts of like jurisdiction.

(b) The judge shall be provided, at the expense of the County, with such office supplies, stationery, stamps, and other materials as may be necessary for the transaction of the business of the court.

(c) If, in any case, civil or criminal or juvenile, pending before the Court, the judge is incompetent for any legal cause, or shall be absent, sick or otherwise disqualified from acting, he or the Assistant District Attorney or Deputy District Attorney for Fayette County must certify the fact of incompetency, absence, sickness or disqualification to the clerk of the District Court of Fayette County, or if said clerk is incompetent, absent, sick or otherwise disqualified from acting, to the Judge of Probate of Fayette County, and such Clerk or Judge must, upon such certificate, appoint a disinterested person learned in the law to act as special judge of the court who shall preside, try and render judgments, orders and decrees in the same manner and to the same effect as such disqualified, incompetent, sick or absent judge could have rendered but for such disqualification, incompetency, sickness or absence.

(d) The judge shall receive an annual salary of Four Thousand Eight Hundred Dollars (\$4,800.00), payable out of the general funds of the county in equal monthly installments.

Section 5. (a) The court shall be open at all times for the transaction of business: Regular sessions shall be held on the first and third Wednesday in each month for the trial of criminal cases. Special sessions may be held at such times as the judge shall designate. Sessions may continue so long as may be necessary for the court to complete its business. The judge shall be available at all times to receive guilty pleas, assess fines and enter such orders and judgments as may be appropriate.

(b) The sheriff shall attend the regular criminal sessions of the court in person, or by deputy, and shall attend other sessions when requested by the judge. He shall promptly execute all writs and processes of the court and perform such duties as may be directed by the judge.

Section 6. In civil actions at law, the defendant shall be required to appear and plead, answer or demur, within thirty (30) days from the service of process.

Section 7. All cases in the District Court of Fayette County shall be tried and all issues of fact decided by the judge without the intervention of a jury.

Section 8. The clerk of the circuit court of Fayette County shall be ex officio clerk of the District Court, and shall collect and receive all costs, fines, and forfeitures. The clerk shall receive the same fees and commissions as are now allowed by the law for similar services performed in the Circuit Court. The fees taxes for services performed by the judge shall belong to the county; fees taxes for services of other officers shall be paid to the officers by whom the services are performed. The fees of witnesses, and of the clerk and sheriff in cases where no conviction is had, shall be governed by the provisions of law applying to similar services in the Circuit Court or in preliminary proceedings.

Section 9. The Assistant District Attorney or Deputy District Attorney serving Fayette County shall prosecute for the State all criminal cases commenced in said court and shall represent the state in all paternity proceedings, non-support cases and in all juvenile court matters.

Section 11. (a) The Clerk of the Circuit Court of Fayette County shall be ex officio clerk and each Deputy Clerk of the Circuit Court of Fayette County shall be ex officio a deputy clerk of the District Court of Fayette County. The clerk shall have authority to requisition at county expense such records, stationery, office supplies, and equipment as may be necessary to conduct the court's business. Said clerk shall keep a seal, which shall be the official seal adopted by the court.

(b) It shall be the duty of the clerk to keep all the books, papers, files and dockets of the court in an orderly manner and to perform all other duties required by the judge.

(c) The clerk shall have power and authority:

(1) To administer oaths and take acknowledgments and affidavits;

(2) To sign and issue all processes issuing out of the court, including warrants, summonses, subpoenas, writs, executions, commitments and releases;



(3) To enter all judgments, orders and decrees of the court;

(4) To certify all appeals;

(5) To issue certificates of judgment;

(6) To take affidavits and issue warrants of arrest in misdemeanor and felony charges, for which service the clerk shall receive a fee of One and No/100 Dollar (\$1.00) for each writ of arrest issued, to be taxed and collected as other costs and taxes are collected; and,

(8) To exercise all powers and authority which are now or may be hereafter conferred on clerks of circuit courts.

(d) The clerk shall attend all sessions of the court in person or by deputy.

Section 12. All cases and actions pending in the County Court of Fayette County and in the Juvenile Court of Fayette County on the effective date of this Act shall be transferred to the court herein created and shall proceed as though begun therein. The District Court of Fayette County shall have the same jurisdiction to enforce judgments heretofore rendered by the County Court of Fayette County and by the Juvenile Court of Fayette County in all respects as though the judgments had been rendered it.

Section 13. The provisions of the Act are severable. If any part of it is declared unconstitutional or invalid, such declaration shall not affect the part that remains.

Section 14. All laws in conflict with this Act are, to the extent of the conflict, repealed.

Section 15. This act shall become effective on its passage and approval by the Governor or its otherwise becoming law.

## PROOF OF PUBLICATION

### STATE OF ALABAMA COUNTY OF FAYETTE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Jack Black, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Fayette County Broadcaster, a newspaper of general circulation published in Fayette County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 10, July 17, July 24, and July 31, all in the year 1975.

JACK BLACK.

Sworn to and subscribed before me August 4, 1975.

FLEETWOOD WATKINS,  
Notary Public.

Also:

By Messrs. McCorquodale and Campbell:

H. 1547. Relating to the First Judicial Circuit; providing for an additional circuit court judge in such circuit, and providing for the designation of judgeships upon the expiration of existing terms of office; and provides for the maintenance of an office for circuit judges in Clarke County.

Also:

By Mr. Rich:

H. 1392. Relating to Etowah County; to provide for election of the county superintendent of education; to prescribe the qualifications, duties, term of office, and compensation of such officer; and to repeal Act No. 540, S. 593 of the Regular Session of 1967 and all other conflicting laws.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF ETOWAH

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Etowah County; to provide for election of the county superintendent of education; to prescribe the qualifications, duties, term of office, and compensation of such officer; and to repeal Act No. 540, S. 593 of the Regular Session of 1967 and all other conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply only in Etowah County.

Section 2. The county superintendent of education of Etowah County shall be elected by only the qualified voters that reside in the area which he serves. The term of office of the superintendent of education shall be six (6) years. The superintendent must be a legal resident of such county. In the event of a vacancy in the office from any cause whatever, the county board of education shall fill such vacancy in the manner provided by the general laws of the State of Alabama, for the unexpired term until the next general election, at which time the position shall be filled for the remaining unexpired term.

Section 3. Any person who is employed by the county board of education or any board of education within the county who meets the qualifications for the office may run for the office of superintendent of education. An employee who does run for this office shall not be required to resign or take a leave of absence from the position which such person presently holds, so long as said person does not neglect the duties of his employment.

Section 4. The county superintendent of education of Etowah County shall be a person of good moral character, of recognized ability as a school administrator or as a classroom teacher, with academic accredited

professional education equivalent to graduation from a standard university or college, having a master's degree, plus thirty (30) or more semester hours (or the equivalent) of successfully completed study at an accredited institution of higher learning on a graduate level, after having received a master's degree. (The last requirement is commonly referred to as the A. A. certificate.) Prior to being elected the superintendent shall have had at least five (5) years of public school administration experience or classroom teaching experience, or a combination of both.

Section 5. The Etowah County superintendent of education shall perform and discharge all the duties prescribed by general law for the county superintendent of education. The superintendent shall have the authority to appoint an assistant superintendent, if he deems an assistant necessary, and such assistant shall serve at the pleasure of the superintendent, and shall have the same qualifications as the superintendent. The superintendent shall also have all duties heretofore or hereafter prescribed by local law.

Section 6. The salary of the county superintendent of education and the assistant superintendent of education shall be fixed by the county board of education at an amount deemed adequate and feasible, which shall be payable at the time and in the manner prescribed by the general laws of Alabama regulating the payment of compensation of county superintendents of education.

Section 7. The provisions of this act relative to qualifications for office shall not apply to those who are currently serving as superintendent of assistant superintendent of education.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Section 9. Act No. 540, S. 593 of the Regular Session of 1967 and all other laws or parts of laws which conflict with this act are hereby repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law. It is intended that the provisions of this act relatively to election of the superintendent shall be in effect at the primary and general election at which the term beginning January 1, 1977 shall be filled.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF ETOWAH

Before me, the undersigned authority in and for said County in said State, this day personally appeared Walter Betz, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Secretary-Treasurer of the Gadsden Times, a newspaper of general circulation published in Etowah County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 12th, July 14th, July 20th, and July 27th, all in the year 1975.

WALTER BETZ.

Sworn to and subscribed before me 28th July, 1975.

PEGGY CULBERSON,  
Notary Public.

Also:

By Messrs. Carothers, Crawford and Smith (J):

H. 1545. To allow or rearrange the boundaries of the City of Dothan, Houston County, Alabama, so as to include within the corporate limits of said City all territory within such corporate limits and also certain other territory contiguous thereto.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that the following local bill will be introduced at the present session of the Legislature of the State of Alabama.

A BILL  
TO BE ENTITLED  
AN ACT

Synopsis: To allow or rearrange the boundaries of the City of Dothan, Houston County, Alabama, so as to include within the corporate limits of said City all territory within such corporate limits and also certain other territory contiguous thereto.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and the corporate limits of the City of Dothan in Houston County, Alabama, be and the same are hereby extended, altered and rearranged so as to include within the corporate limits of said City all the following described territory, to wit:

A two hundred foot wide parcel of land lying one hundred feet on each side of a line described as follows: Beginning at a point on the north line of Section 7, T2N, R27E, where the centerline of the Atlanta and Saint Andrews Bay Railway intersects the north line of the above said section; thence running southeasterly along the centerline of said railway to its intersection with Third Avenue and being in said Section 7;

Also, a parcel of land in Houston County, Alabama, and being more particularly described as follows: Beginning at the southwest corner of the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 7, T2N, R27E, and thence N 4 degrees 16' W along the west line of said forty 654.4 feet; thence N 87 degrees 38' E, 550.9 feet to the westerly side of the Atlanta and Saint Andrews Bay Railroad; thence S 27 degrees 40' E along the westerly side of said railroad 1,017.2 feet to the westerly side of Third Avenue Extension; thence S 12 degrees 15' W along the westerly side of the said road 116.89 feet; thence N 27 degrees 40' W, 156.27 feet; thence S 61 degrees 54' W, 939.39 feet to the west line of the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of said Section 7; thence N 4 degrees 16' W along the west line of said forty, 645.6 feet to the point of beginning. Said parcel of land being in the E  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of Section 7, T2N, R27E, and containing 19.42 acres, more or less;

Also, a lot or parcel of land in Houston County, Alabama, and being more particularly described as follows: Beginning at a point on the west line of the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 7, T2N, R27E, 654.4 feet in a direction of N 4 degrees 16' W from the southwest corner of said forty and

thence continuing N 4 degrees 16' W along the west line of said forty, 255.59 feet; thence N 62 degrees 20' E, 396.55 feet to the westerly side of the Atlanta and Saint Andrews Bay Railroad; thence S 27 degrees 40' E along the westerly side of said railroad, 470 feet; thence S 87 degrees 38' W, 550.9 feet to the point of beginning. Said parcel of land being in the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 7, T2N, R27E, and said excepted parcel containing 3.74 acres, more or less;

Also, the E  $\frac{1}{2}$  of Section 11 and the W  $\frac{1}{2}$  of Section 12, T2N, R26E;

Also, all that portion of the W  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  and the W  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of Section 20, T3N, R26E, lying south of Flowers Chapel Road;

Also, all that portion of Section 20, T3N, R26E, lying north of the south right-of-way line of Flowers Chapel Road;

Also, all that portion of Section 19, T3N, R26E, lying north of the south right-of-way line of Flowers Chapel Road less and except Spann Brothers Estates S-D a map or plat of which is recorded in Plat Book 4, Page 37, in the Office of the Judge of Probate, Houston County, Alabama;

Also, all of Section 24, T3N, R25E;

Also, the E  $\frac{1}{2}$  of the NE  $\frac{1}{4}$  and the E  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of Section 23, T3N, R25E;

Also, Section 13, T3N, R25E, less and except the NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ ;

Also, the E  $\frac{1}{2}$  of the NE  $\frac{1}{4}$  and the E  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of Section 14, T3N, R25E;

Also, all that portion of the W  $\frac{1}{2}$  of Section 12 of the W  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of Section 12 lying south of the Little Choctawhatchee River in T3N, R25E;

Also, Section 18, T3N, R26E, less and except the NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  and the N  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  and less and except that part of the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  lying north of U. S. Highway 84 and west of Houston County Highway 59;

Also, the N  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  and the SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 7, T3N, R26E;

Also, all that part of Section 8, T3N, R26E, lying west of Haven Road;

Also, Marlowe Estates S-D, a plat of which is recorded in Plat Book 6, Page 38 in the Office of the Judge of Probate, Houston County, Alabama. Also, the SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 8, T3N, R26E, less and except the following described parcel: Beginning at the point of intersection of the west line of the SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 8 and the south right-of-way line of Burbank Street; thence N 89 degrees 20' E, a distance of 990 feet; thence S 01 degree 30' E, 912.95 feet; thence S 89 degrees 17' E, 106.83 feet; thence S 03 degrees 21' E, 414.13 feet; thence N 86 degrees 55' W, 1071.46 feet to the west line of the above forty; thence N 03 degrees 24' W, 1273.68 feet to the point of beginning;

Also, all that portion of Section 5, T3N, R26E, lying west of Haven Road (John D. Odom Road) and that part of E  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 5, lying north of Murphy Mill Road;

Also, Section 32, T4N, R26E;

Also, that part of Section 33, T4N, R26E, lying west of the east right-of-way line of Napier Field Road.

Also, Sunny Heights S-D Phase 3, a plat of which is recorded in Plat Book 4, Page 50, in the Office of the Judge of Probate, Houston County, Alabama. Also, Grand Acres S-D, a plat of which is recorded in Plat Book 4, Page 71, in the Office of the Judge of Probate, Houston County, Alabama. Also, Sunny Heights S-D Phase 1, a plat of which is recorded in Plat Book 4, Page 31, in the Office of the Judge of Probate, Houston County, Alabama. Also, Lot 11, Block B, Lots 1 and 2, Block C, Lots 1 through 10, Block D, and Lot 1, Block E, all in Sunny Heights Phase 2, a plat of which is recorded in Plat Book 4, Page 32, in the Office of the Judge of Probate, Houston County, Alabama;

Also, all that part of Section 34, T4N, R26E, lying east of Denton Road.

Also, Section 35, T4N, R26E, less and except the W  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  and W  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  thereof;

Also, Section 36, T4N, R26E;

Also, Section 31, T4N, R27E, less and except the north half, the N  $\frac{1}{2}$  of the S  $\frac{1}{4}$ ; and the SW  $\frac{1}{4}$  of SW  $\frac{1}{4}$ , thereof;

Also, Section 30, T4N, R27E, less and except the N  $\frac{1}{2}$  of the SE  $\frac{1}{4}$ ; the SE  $\frac{1}{4}$  of SE  $\frac{1}{4}$  and the E  $\frac{1}{2}$  of SW  $\frac{1}{4}$  of SE  $\frac{1}{4}$ , thereof;

Also, Section 19, T4N, R27E;

Also, Section 24, T4N, R26E;

Also, Section 25, T4N, R26E;

Also, all of Section 26, T4N, R26E, lying east of the west right-of-way line of Harrison Road. Also, the E  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of Section 26, T4N, R26E. Also, a parcel of land described as follows: Beginning at the NE corner of the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 26, T4N, R26E, and running west 210 feet thence south 152 feet; thence east 210 feet; thence north 152 feet to the point of beginning, and being in the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 26, T4N, R26E;

Also, Section 23, T4N, R26E, less and except the S  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ ; and the W  $\frac{1}{2}$  of the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ ; and the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ ; and the S  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ ;

Also, the S  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ , and all that part of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  lying north of Omussee Creek all in Section 3, T3N, R27E.

All of the above described parcels being located in Houston County, Alabama.

Section 2. This Act shall go into effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

#### STATE OF ALABAMA HOUSTON COUNTY

Before me, the undersigned authority in and for said County in said State, this day, personally appeared D. H. Dolson, who is known to me and

who, being by me first duly sworn, deposes and says: That he is Advertising Manager of The Dothan Eagle, a newspaper published at Dothan, in Houston County, Alabama, and that a copy of the attached advertisement appeared once a week for 4 successive weeks, on the following dates: July 9, 16, 23, 30, 1975 in the Dothan Eagle, which said Dothan Eagle has a general circulation in the County in which it is published and has been mailed under the second class mailing privileges of the United States Post Office Department from the post office where it is published for more than fifty-two (52) consecutive weeks prior to this publication.

D. H. DOLSON.

Sworn to and subscribed before me on this 7 day of August 1975.

SARAH C. BOYDE,  
Notary Public.

My Commission Expires 2-8-78.

Also:

By Mr. Ford:

H. 1573. To create a board of trustees of the policemen and firemen's retirement fund of every city in Alabama having a population of not less than 45,000 nor more than 65,000; to provide for the composition of said board; to provide for a secretary-treasurer of said board; to provide for the composition of said retirement fund and the investment thereof; to provide for the payment of monies from such fund; to exempt the same from attachment and garnishment or other levy by legal process; to provide for voluntary, mandatory and disability retirement; to fix the amount of the retirement pensions; to provide the amounts payable to widows or dependents; and to provide appeals from any decision of said board.

Also:

By Mr. Warren:

H. 1673. Relating to Monroe County; to authorize the tax collector to hire clerical employees; to provide a clerk hire allowance for the tax collector and to repeal Act No. 1828, H. 2477, Regular Session of the Legislature 1971 (Acts 1971, p. 2995), and other conflicting laws.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF MONROE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Monroe County; to authorize the tax collector to hire clerical employees; to provide a clerk hire allowance for the tax collector

and to repeal Act No. 1828, H. 2477, Regular Session of the Legislature 1971 (Acts 1971, p. 2995), and other conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The tax collector of Monroe County is hereby authorized and empowered to hire the number of clerical employees necessary to efficiently staff the office. The county commission or other like governing body of said county shall fix the tax collector's clerk hire allowance at a figure not to exceed \$5,400.00 per year, payable out of the general fund of the county.

Section 2. All laws or parts of laws in conflict with this Act are hereby repealed and Act No. 1828, H. 2477, Regular Session of the Legislature 1971 (Acts 1971, p. 2995), is hereby specifically repealed.

Section 3. This Act shall become effective October 1, 1975.

#### PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF MONROE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Bill Stewart, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Monroe Journal, a newspaper of general circulation published in Monroe County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Aug. 7, Aug. 14, Aug. 21, and Aug. 28, all in the year 1975.

BILL STEWART.

Sworn to and subscribed before me August 28th, 1975.

FRANCES REID NETTLES,  
Notary Public.

Also:

By Mr. Warren:

H. 1674. Relating to Monroe County; to authorize the Sheriff to mail subpoenas for jury duty and notices of appointment to election officials with first class postage and to authorize the county commission to make expenditures from the county general fund for such purpose.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF MONROE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT



Relating to Monroe County; to authorize the Sheriff to mail subpoenas for jury duty and notices of appointment to election officials with first class postage and to authorize the county commission to make expenditures from the county general fund for such purpose.

Be It Enacted by the Legislature of Alabama:

Section 1. The Sheriff of Monroe County is hereby authorized to mail subpoenas for jury duty and notices of appointment to election officials with first class postage.

Section 2. The county commission of Monroe County is hereby authorized to make the expenditures from the county general fund which are necessary to carry out the provisions of Section 1 of this act.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

#### STATE OF ALABAMA COUNTY OF MONROE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Bill Stewart, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Monroe Journal, a newspaper of general circulation published in Monroe County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Aug. 7, Aug. 14, Aug. 21, and Aug. 28, all in the year 1975.

BILL STEWART.

Sworn to and subscribed before me August 28, 1975.

FRANCES REID NETTLES,  
Notary Public.

Also:

By Mr. Warren:

H. 1675. Relating to law enforcement in Monroe County; fixing the fee for the issuance of pistol permits; and prescribing the use of such fees.

With notice and proof thereto attached and herewith exhibited as follows:

#### STATE OF ALABAMA COUNTY OF MONROE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

Relating to law enforcement in Monroe County; fixing the fee for the issuance of pistol permits; and prescribing the use of such fees.

Be It Enacted by the Legislature of Alabama:

Section 1. In Monroe County the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Code of Alabama 1940, Title 14, Section 177, shall be five dollars, which shall be collected by the sheriff and paid into the general fund in the county treasury. Four dollars of each such fee shall be used exclusively for law enforcement in Monroe County.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF MONROE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Bill Stewart, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Monroe Journal, a newspaper of general circulation published in Monroe County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Aug. 7, Aug. 14, Aug. 21, and Aug. 28, all in the year 1975.

BILL STEWART.

Sworn to and subscribed before me August 28, 1975.

FRANCES REID NETTLES,  
Notary Public.

Also:

By Mr. Warren:

H. 1676. Relating to Monroe County; to provide for the mailing addresses of the grantors and grantees, on all conveyances of real property; to become effective six months from the date this act becomes law.

With notice and proof thereto attached and herewith exhibited as follows:

##### STATE OF ALABAMA COUNTY OF MONROE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

Relating to Monroe County; to provide for the mailing addresses of the grantors and grantees, on all conveyances of real property; to become effective six months from the date this act becomes law.

Be It Enacted by the Legislature of Alabama:

Section 1. The probate judge of Monroe County shall not receive for record or permit the recording of any instrument in which the title to real property is conveyed, unless such instrument has endorsed on it a printed, typewritten or stamped statement, in the body of the instrument, the mailing addresses of the grantor and grantee, respectively.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall take effect six months after its passage by the legislature and its approval by the governor, or upon its otherwise becoming law.

#### PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF MONROE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Bill Stewart, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Monroe Journal, a newspaper of general circulation published in Monroe County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Aug. 7, Aug. 14, Aug. 21, and Aug. 28, all in the year 1975.

BILL STEWART.

Sworn to and subscribed before me August 28, 1975.

FRANCES REID NETTLES,  
Notary Public.

Also:

By Mr. Warren:

H. 1677. Relating to Monroe County; to authorize the tax assessor to hire clerical employees; to provide a clerk hire allowance for the tax assessor and to repeal Act No. 1831, H. 2480, Regular Session of the Legislature 1971 (Acts 1971, p. 2996), and other conflicting laws.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF MONROE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

Relating to Monroe County; to authorize the tax assessor to hire clerical employees; to provide a clerk hire allowance for the tax assessor and to repeal Act No. 1831, H. 2480, Regular Session of the Legislature 1971 (Acts 1971, p. 2996), and other conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The tax assessor of Monroe County is hereby authorized and empowered to hire the number of clerical employees necessary to efficiently staff the office. The county commission or other like governing body of said county shall fix the tax assessor's clerk hire allowance at a figure not to exceed \$5,400.00 per year, payable out of the general fund of the county.

Section 2. All laws or parts of laws in conflict with this Act are hereby repealed and Act No. 1831, H. 2480, Regular Session of the Legislature 1971 (Acts 1971, p. 2996), is hereby specifically repealed.

Section 3. This Act shall become effective October 1, 1975.

#### PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF MONROE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Bill Stewart, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Monroe Journal, a newspaper of general circulation published in Monroe County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Aug. 7, Aug. 14, Aug. 21, and Aug. 28, all in the year 1975.

BILL STEWART.

Sworn to and subscribed before me August 28, 1975.

FRANCES REID NETTLES,  
Notary Public.

Also:

By Messrs. Brindley and Ford:

H. 1678. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Walnut Grove, in Etowah County.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Walnut Grove, in Etowah County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Walnut Grove in Etowah County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to wit:

The N  $\frac{1}{2}$  of Section 19, Township 11 South, Range 2 East, in Etowah County, Alabama, the N  $\frac{1}{2}$  of Section 24, Township 11 South, Range 3 East, in Etowah County, Alabama; all that part of the N  $\frac{1}{2}$  and SW  $\frac{1}{4}$  of Section 23, Township 11 South, Range 3 East in Etowah County, Alabama, which now lies outside the corporate limits of the Town of Walnut Grove, Alabama; all that part of the East half and North half of the NW  $\frac{1}{4}$  of Section 22, Township 11 South, Range 3 East, in Etowah County, Alabama, which now lies outside the corporate limits of the Town of Walnut Grove, Alabama; that part of the NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 21, Township 11 South, Range 3 East, in Etowah County, Alabama, which lies in Etowah County Alabama; the South half of the South half of Section 14, Township 11 South, Range 3 East in Etowah County, Alabama; all that part of the South half of the South half of Section 15, Township 11 South, Range 3 East, in Etowah County, Alabama, which lies in Etowah County, Alabama; all that part of the Northeast quarter of Section 27, Township 11 South, Range 3 East, in Etowah County, Alabama, which now lies outside the corporate limits of the Town of Walnut Grove, Alabama; all that portion of the NW  $\frac{1}{4}$  of Section 26, Township 11 South, Range 3 East, which now lies outside the corporate limits of the Town of Walnut Grove, Alabama.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

#### STATE OF ALABAMA COUNTY OF ETOWAH

Before me, the undersigned authority in and for said County in said State, this day personally appeared Charles L. Morgan, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Etowah News Journal, a newspaper of general circulation published in Etowah County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Aug. 7, Aug. 14, Aug. 21, and Aug. 28, all in the year 1975.

CHARLES L. MORGAN.

Sworn to and subscribed before me August 28, 1975.

LEO DRISKELL,  
Notary Public.

My Commission Expires May 16, 1976.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B.'s 1631, 1392, 1545, 1573, 1673, 1674, 1675, 1676, 1677 and 1678. To the Committee on Local Legislation No. 1.

H. B. 1547. To the Committee on Finance and Taxation.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Brindley and Jolly:

H. 1679. Relating to Blount County; to change the method of compensating the judge of probate, the tax assessor, and the tax collector, and to fix the compensation for each of such officers, subject to the ratification of a constitutional amendment.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF BLOUNT

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Blount County; to change the method of compensating the judge of probate, the tax assessor, and the tax collector, and to fix the compensation for each of such officers, subject to the ratification of a constitutional amendment.

Be It Enacted by the Legislature of Alabama:

Section 1. The following officers of Blount County shall be entitled to receive compensation as follows:

- (a) The judge of probate, an annual salary of \$19,500.00.
- (b) The tax assessor, an annual salary of \$14,000.00.
- (c) The tax collector, an annual salary of \$14,000.00.

Such salaries shall be paid in lieu of all other compensation heretofore provided by law and shall be paid in equal monthly installments out of the general fund in the county treasury.

Section 2. All fees, commissions, allowances, percentages, and other charges heretofore collected for the use of the judge of probate, tax assessor, and tax collector, hereafter shall be collected and paid into the general fund of the county.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective on the first day of the first month beginning after the ratification of an amendment to the Constitution of Alabama authorizing the Legislature to so regulate the compensation of such officers; provided that a majority of the qualified electors of Blount County, voting in such constitutional amendment election approved the adoption of the amendment. If the vote in Blount County on such amendment is not favorable thereto, then this act shall have no force or effect. Provided further, should there be constitutional or statutory prohibitions preventing any of these public officers named herein from receiving such prescribed compensation as of such date, the provisions of this act shall become effective as to them immediately following the date upon which such prohibition expires.

#### PROOF OF PUBLICATION

#### STATE OF ALABAMA COUNTY OF BLOUNT

Before me, the undersigned authority in and for said County in said State, this day personally appeared Mrs. Rice M. Howard, who, being by me first duly sworn, deposes and says that during the times herein mentiond she was editor of the Southern Democrat, a newspaper of general circulation published in Blount County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on August 7, August 14, August 21, and August 28, all in the year 1975.

MRS. R. M. HOWARD.

Sworn to and subscribed before me August 28, 1975.

JANE HILL,  
Notary Public.

Also:

By Messrs. Brindley and Jolly:

H. 1680. Relating to Blount County; to provide the county commissioners power to authorize county personnel to open graves for interment, repair and maintain existing roads, build roads, and other labor related thereto, in all private or public cemeteries, including any cemetery authority owned, governed, controlled, or operated by: any church or religious society or denomination, religious corporation, church, or corporation sole.

With notice and proof thereto attached and herewith exhibited as follows:

#### STATE OF ALABAMA COUNTY OF BLOUNT

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Blount County; to provide the county commissioners power to authorize county personnel to open graves for interment, repair and maintain existing roads, build roads, and other labor related thereto, in all private or public cemeteries, including any cemetery authority owned, governed, controlled, or operated by: any church or religious society or denomination, religious corporation, church, or corporation sole.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commissioners of Blount County are allowed to authorize county personnel to perform work in private or public cemeteries, including: opening graves for interment of deceased human bodies, repairing and maintaining existing roads, building additional roads, and other labor related thereto.

Section 2. The provisions of this Act shall apply to all public or private cemeteries, including any cemetery authority owned, governed, controlled, or operated by: any church or religious society or denomination, religious corporation, church, or corporation sole.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF BLOUNT

Before me, the undersigned authority in and for said County in said State, this day personally appeared Mrs. Rice M. Howard, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was editor of the Southern Democrat, a newspaper of general circulation published in Blount County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 24, July 31, August 7, and August 14, all in the year 1975.

MRS. R. M. HOWARD.

Sworn to and subscribed before me August 14, 1975.

JANE HILL,  
Notary Public.

Also:

By Messrs. Brindley and Jolly:

H. 1681. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Snead, in Blount County.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF BLOUNT

Notice is hereby given that a bill substantially as follows will be



introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Snead, in Blount County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Snead in Blount County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory. to-wit:

The NW  $\frac{1}{4}$  and the N  $\frac{1}{2}$  of the NE  $\frac{1}{4}$  of Section 35, Township 10 South, Range 2 East; the S  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  and S  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of Section 26, Township 10 South, Range 2 East; that part of the S  $\frac{1}{2}$  of Section 25, Township 10 South, Range 2 East lying south and west of the Locust Fork of the black Warrior River, the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ , SE  $\frac{1}{4}$  of NW  $\frac{1}{4}$  and that part of the NE  $\frac{1}{4}$  of NW  $\frac{1}{4}$  and NE  $\frac{1}{4}$  and SE  $\frac{1}{4}$  of Section 36, Township 10 South, Range 2 East, lying south and west of the Locust Fork of the Black Warrior River, all that part of the S  $\frac{1}{2}$  of Section 31, Township 10 South, Range 3 East lying south of the Locust Fork of the Black Warrior River, the NW  $\frac{1}{4}$  and all that part of the N  $\frac{1}{2}$  of the NE  $\frac{1}{4}$  of Section 6, Township 11 South, Range 3 East, lying south of Locust Fork of the Black Warrior River and NE  $\frac{1}{4}$  of NE  $\frac{1}{4}$  of Section 1, Township 11, Range 2 East, lying South of Locust Fork of the Black Warrior River, all of said lands being more particularly described as commencing at the NE corner of the SW  $\frac{1}{4}$  of NE  $\frac{1}{4}$  of Section 6, Township 11 South, Range 3 East; thence west to the NW corner of said SW  $\frac{1}{4}$  of NE  $\frac{1}{4}$ ; thence south to the SW corner of said SW  $\frac{1}{4}$  of NE  $\frac{1}{4}$ ; thence west along the south line of the NW  $\frac{1}{4}$  of Section 6, Township 11 South, Range 3 East to the SW corner; thence north along the west line of the NW  $\frac{1}{4}$  of Section 6, Township 11 South, Range 3 East to the NW corner of the SW  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of Section 6, Township 11 South, Range 3 East; thence west along the south line of NE  $\frac{1}{4}$  of NE  $\frac{1}{4}$  of Section 1, Township 11 South, Range 2 East to the SW corner thereof; thence north along west line of said NE  $\frac{1}{4}$  of NE  $\frac{1}{4}$  to the NW corner thereof, thence along south line of SW  $\frac{1}{4}$  of SE  $\frac{1}{4}$ , of Section 36, Township 10 South, Range 2 East to the SW corner thereof; thence north along the west line of the SE  $\frac{1}{4}$  of Section 36, Township 10 South, Range 2 East, to the NW corner of said SE  $\frac{1}{4}$ ; thence west along the north line of the NE  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of Section 36, Township 10 South, Range 2 east to the NW corner of said NE  $\frac{1}{4}$  of SW  $\frac{1}{4}$ ; thence north along the east line of the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 36, Township 10 South, Range 2 East to the NE corner of said SW  $\frac{1}{4}$  of NW  $\frac{1}{4}$ ; thence west along the north line of the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 36, and the north line of the S  $\frac{1}{2}$  of the NE  $\frac{1}{4}$  of Section 35, Township 10 South, Range 2 East to the NW corner of said S  $\frac{1}{2}$  of NE  $\frac{1}{4}$  of Section 35, Township 10 South, Range 2 East; thence south to the SE corner of the NW  $\frac{1}{4}$  of Section 35, Township 10 South, Range 2 East; thence west along the south line of said NW  $\frac{1}{4}$  to the SW corner of said NW  $\frac{1}{4}$  of Section 35, thence north along the west line of said NW  $\frac{1}{4}$  to the NW corner of Section 35, Township 10 South, Range 2 East; thence continue north along the west line of the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 26, Township 10 South, Range 2 East to the NW corner; thence east along the north line of the S  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  and S  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of Section 26, Township 10 South, Range 2 East to the east line of Section 26, Township 10 South, Range 2 East; thence north along the west line of the SW  $\frac{1}{4}$  of Section 25, Township 10 South, Range 2 East to

the center of the Locust Fork of the Black Warrior River; thence to the right and following the center of the Locust Fork of the Black Warrior River in an easterly direction, southwesterly direction, southeasterly direction, easterly direction, southerly direction, southwesterly direction, southeasterly direction, southwesterly direction to the north line of the NE  $\frac{1}{4}$  of NE  $\frac{1}{4}$  of Section 1, Township 11 South, Range 2 East; thence east along the north line of said NW  $\frac{1}{4}$  of NE  $\frac{1}{4}$  of Section 1, Township 11 South, Range 2 East to the northeast corner of said NW  $\frac{1}{4}$  of NE  $\frac{1}{4}$ ; thence south along the east line of said NW  $\frac{1}{4}$  of NE  $\frac{1}{4}$  of Section 1, to the centerline of Locust Fork of the Black Warrior River; thence in a northeasterly direction along the centerline of the Locust Fork of the Black Warrior River, thence east, thence south, thence southeasterly to the centerline of Pearman Drive; thence in a southwesterly direction along the centerline of Pearman Drive to the east line of the SW  $\frac{1}{4}$  of NE  $\frac{1}{4}$  of Section 6, Township 11 South, Range 3 East which is the original city limits line, and point of beginning.

Also:

The S  $\frac{1}{2}$  of NW  $\frac{1}{4}$ , Section 1, Township 11 South, Range 2 East, the SE  $\frac{1}{4}$  of NE  $\frac{1}{4}$ , of Section 2, Township 11 South, Range 2 East, S  $\frac{1}{2}$  of NW  $\frac{1}{4}$  and NW  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of Section 2, Township 11 South, Range 2 East; SW  $\frac{1}{4}$  and NW  $\frac{1}{4}$  of SE  $\frac{1}{4}$  of Section 35, Township 10 South, Range 2 East. All of said property lying, being and situated in Blount County, Alabama.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF BLOUNT

Before me, the undersigned authority in and for said County in said State, this day personally appeared Mrs. Rice M. Howard, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was editor of the Southern Democrat, a newspaper of general circulation published in Blount County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on August 7, August 14, August 21, and August 28, all in the year 1975.

MRS. R. M. HOWARD.

Sworn to and subscribed before me August 28, 1975.

JANE HILL,  
Notary Public.

Also:

By Messrs. Campbell and Manley:

H. 1682. To provide in Sumter County for the creation and establishment of a board to regulate the hunting season dates in said county.

With notice and proof thereto attached and herewith exhibited as follows:

##### STATE OF ALABAMA COUNTY OF SUMTER

Notice is hereby given that a bill substantially as follows will be

introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

Synopsis: This bill provides for the creation and establishment of a board to regulate the hunting season dates in Sumter County.

A BILL  
TO BE ENTITLED  
AN ACT

To provide in Sumter County for the creation and establishment of a board to regulate the hunting season dates in said county.

Be It Enacted by the Legislature of Alabama:

Section 1. Provision is hereby made for the creation and establishment of a board in Sumter County, which board shall have the power and authority to regulate and designate the hunting season dates in said county.

Section 2. Such board created under this act shall have five members who shall be residents of Sumter County and who shall be appointed by the county commission. Members of the board first shall be appointed as follows: Place No. 1 for a term of one year; Place No. 2 for a term of two years; Place No. 3 for a term of three years; Place No. 4 for a term of four years; and Place No. 5 for a term of five years. As the terms of members expire, their successors shall be appointed for terms of four years each. Vacancies in unexpired terms shall be filled in the same manner as original appointments are made.

Section 3. The members of said board shall serve without compensation. The board shall meet at such times as may be appropriate or necessary but shall meet prior to August 1, 1976, and August 1, of each succeeding year to set the hunting season dates in Sumter County. A certified copy of the hunting season dates shall forthwith be delivered to the department of conservation and natural resources.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. The provisions of this act shall supersede any and all other general special or local laws or any rules and regulations promulgated by the department of conservation and natural resources in regard to hunting season dates in Sumter County.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF SUMTER

Before me, the undersigned authority in and for said County in said State, this day personally appeared David T. Poynor, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was President/Publisher of the The Home-Record, a newspaper of general circulation published in Sumter County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 30, August 6, August 13, and August 20, all in the year 1975.

DAVID T. POYNOR.

Sworn to and subscribed before me August 22, 1975.

SANDRA L. BONDS,  
Notary Public State-at-Large.

Also:

By Messrs. Crawford and Sasser:

H. 1687. Relating to Henry County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the county jail of such county.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF HENRY

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Henry County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the county jail of such county.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply to Henry County.

Section 2. Definitions. As used in this Act, certain terms shall have the following meaning:

(1) "Board" shall mean County Rehabilitation Board composed of the Probate Judge, the District Attorney and the Sheriff.

(2) "Inmate" shall mean a person either male or female, convicted of a crime and sentenced to a term of confinement in the county jail.

Section 3. Extended Limits of Confinements. The Board shall adopt regulations and policies permitting the Sheriff to extend the limits of the place of confinement of an inmate, as to whom there is reasonable cause to believe he will know his trust, by authorizing him under prescribed conditions, to leave the confines of the county jail unaccompanied by a custodial agent for a prescribed period of time to work at paid employment, while continuing as an inmate in the county jail in which he shall be confined except during the hours of his employment, and traveling thereto and therefrom. Inmates shall participate in paid employment at the discretion of the Board.

Section 4. Wages. The employer of an inmate involved in the work release program shall pay the inmate's wages direct to the Board. The Board may adopt regulations concerning the disbursement of any earnings of the inmates involved in the work release program. The Board is authorized to withhold from an inmate's earnings 20 percent of his or her gross earnings to pay such cost incident to the inmate's confinement. After 20 percent has been deducted from the inmate's gross pay the remainder of the inmate's earnings shall be credited to his account in a local bank, and upon his release from confinement shall be turned over to the inmate. The Board may elect, however, to pay the remaining 80 percent of the inmate's earnings to his family to be used by them for their support while the inmate is confined, provided the inmate consents to such payment.

**Section 5. Escape.** The willful failure of an inmate to remain within the extended limits of his confinement or to return to the county jail within the time prescribed by the Sheriff shall be deemed as an escape from the custody of the Sheriff and shall be punishable as prescribed by Title 14, Section 151 (1) Code of Alabama.

**Section 6. Investigation and Recommendation.** Employees of the Board of persons designated by the Board are authorized to make investigations and recommendations pertaining to the validity of request for job opportunities for inmates and to otherwise assist the Sheriff in the implementation of the program herein authorized.

**Section 7. Securing Employment.** The Board or members of the Board shall endeavor to secure employment for eligible inmates under this Act subject to the following:

(1) Such employment must be at a wage at least as high as the prevailing wage for similar work in the area or community where the work is performed in accordance with the prevailing working conditions in such area;

(2) Such employment shall not result in displacement of employed workers;

(3) Inmates eligible for work release shall not be employed as strike-breakers or in impairing any existing contracts;

(4) Exploitation of eligible inmates, in any form, is prohibited either as it might affect the community, the inmates, or the Board.

**Section 8. Education.** The Board, at its discretion, may also allow an inmate to participate in the release program to further the inmates education. Under this section the inmate must follow all the rules and regulations prescribed for other inmates participating in the work release program.

**Section 9. Furloughs.** The Board may adopt rules and allow the Sheriff to grant furloughs or leave time not to exceed three consecutive days or 72 hours to inmates who the Board deems are deserving.

**Section 10. Inmate not an Agent of State or County.** No inmate granted privileges under the provisions of this Act shall be deemed to be an agent, employee, or involuntary servant of the Board, State, or County, while involved in the free community or while going to and from employment, or other specified areas or while on furlough.

**Section 11. Reports.** The Sheriff or person designated by the Board shall prepare an annual report to be filed with the Board not later than sixty days from the close of each fiscal year showing the operations and administrations and suggestions as deemed advisable. The Board shall designate someone to keep such records as they deem appropriate and shall compensate them from the 20 percent earnings retained from the inmates.

**Section 12. Penalty Clause.** Anyone violating any of the provisions of this Act shall be guilty of a misdemeanor.

**Section 13. Severability.** The provisions of this Act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 14. Repealer.** All laws or parts of laws which conflict with this Act are repealed.

**Section 15. Effective Date.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

## AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA  
HENRY COUNTY

Before me, Ann Marshall Peebles, a Notary Public in and for said County, in said State, personally appeared Nathalie S. Dodd, who is known to me, and who by me being duly sworn, deposes and says that she is the Co-publisher of The Abbeville Herald, a newspaper published in the town of Abbeville, County of Henry, State of Alabama; that the attached notice is a true and correct copy of the notice which was published in said newspaper for four consecutive weeks, on, to-wit: August 7, 1975; August 14, 1975; August 21, 1975; August 28, 1975, The Abbeville Herald.

NATHALIE S. DODD.

Sworn to and subscribed before me, this 28th day of August, 1975.

ANN MARSHALL PEEBLES.

Also:

By Mr. Dial:

H. 1691. To provide for a property tax classification in all counties having populations of not less than 12,000 nor more than 12,800 inhabitants according to the most recent federal decennial census.

Also:

By Mr. Holley:

H. 1730. Naming a strip of road on U. S. Highway 84, beginning on the west abutment of the Pea River Bridge and running easterly to the city limits of Elba, Coffee County, Alabama "Cornelia Wallace Drive".

Also:

By Mr. Johnson:

H. 1318. Relating to counties having a population not less than 115,000, nor greater than 150,000, according to the latest Federal decennial census; providing that, in addition to the \$12 per diem now being paid by the state, poll workers and election officers shall be paid \$12 per diem from the county general fund.

Also:

By Mr. Johnson:

H. 1382. Relating to counties having a population not less than 115,000 nor greater than 150,000, according to the latest federal decennial census; providing that the sheriff in such counties shall receive \$350 per month expense allowance, to become salary at the end of the present incumbent's term of office.

Also:

By Mr. Robertson:

H. 1651. To amend Act No. 91, S. 70, of the 1975 Third Special Session of the Legislature of Alabama to provide for secretarial, legal, clerical or administrative assistants for each circuit judge of all judicial circuits composed of only one county having a population of not less than 110,000 nor more than 160,000 according to the most recent federal decennial census; and to fix the term of office and prescribe the pay for such assistants; and to provide for the payment of the salaries of such assistants out of the general fund of the county composing said circuits.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B.'s 1679, 1680, 1681, 1682, 1687, 1691, 1318, 1382 and 1651. To the Committee on Local Legislation No. 1.

H. B. 1730. To the Committee on State Government.

## RESOLUTIONS

Mr. Waldrop offered the following Senate Joint Resolution, to-wit:

S. J. R. 109. MOURNING THE DEATH OF MRS. EDNA BETTY UDELL.

WHEREAS that the State of Alabama and the City of Gadsden suffered a severe loss in the recent death of Mrs. Edna Betty Udell; and

WHEREAS Mrs. Udell served her community in an outstanding manner and was known throughout her area for her charitable and civic work; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That we mourn the death of Mrs. Udell and extend our sincere sympathy to members of her family, to whom copies of this resolution shall be sent.

On motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Waldrop offered the following Senate Joint Resolution, to-wit:

S. J. R. 110. HONORING CHIEF CLAUDE CARR UPON HIS RETIREMENT FROM THE ATTALLA POLICE DEPARTMENT.

WHEREAS Chief Investigator Claude Carr of the Attalla Police Department retired on September 1, 1975 after twenty-eight years of dedicated service; and

WHEREAS Chief Carr began his law enforcement career as a patrolman on the force in January 1947; and

WHEREAS he served for nine years as chief of police and for the past two years as chief investigator; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Chief Carr for his long years of dedicated and devoted service to the people of Attalla and extend to him our warmest best wishes for his continued health and happiness for many years of retirement.

RESOLVED FURTHER That a copy of this resolution be sent to Chief Carr and the Etowah News Journal.

On motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Torbert offered the following Senate Joint Resolution, to-wit:

S. J. R. 105. Mourning the death of Mr. Lewis Cooper, Jr., Mayor of Opelika.

WHEREAS there is a time when we are privileged to be associated with one of those very special human beings who accepts the responsibility of leadership of a city and is able to make decisions, whether popular, or not, that are best for the city; and

WHEREAS upon the passing of one of these rare individuals it is fitting that we should pause and take note of the legacy of good works they have left behind, remembering that one shall be known by his accomplishments; and

WHEREAS Mr. Lewis Cooper, Jr., the leader of the city government in Opelika during six historic years, was struck down in the prime of his service, suddenly and without warning at the age of 54; and

WHEREAS starting at the relatively late age of 48, Mr. Cooper served for seven years on the Opelika City Commission of which six years he was mayor; and

WHEREAS during Mr. Cooper's tenure as mayor, he did not always take the popular course but invariably the course he considered best for Opelika, allowing neither personal, business nor political gain to sway him from the single determining factor: what's best for the entire city; and

WHEREAS also during Mr. Cooper's years as mayor, he spearheaded drives for the new public library and arts center, the renovation of the municipal building, and the acquisition of the present Saugahatchee Country Club as a municipal facility for Opelika and Auburn; and

WHEREAS while mayor, Mr. Cooper also served as Public Works Commissioner of Opelika, a job he took so seriously that he usually checked out every complaint from a citizen personally; and

WHEREAS Mr. Cooper contributed greatly to a remarkable stability in the Opelika city government which has given the city a reputation for being one of the best governed in the state; and

WHEREAS Opelika, Lee County, the state, and most of all, his family, have been deprived of a man who had given a full measure of himself in the best interests of them all; and

WHEREAS this legislator wishes to pay tribute to this great man who shall be missed sorely;

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREFORE CONCURRING, that we mourn the death of Mr. Lewis Cooper, Jr. and wish to express our deep and sincere sympathy to his wife, Mrs. Lewis Cooper, Jr., and his immediate family, to whom copies of this resolution shall be sent.

On motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Torbert offered the following Senate Joint Resolution, to-wit:

S. J. R. 104. MOURNING THE DEATH OF CITY CLERK W. FRANCIS PEARSON OF OPELIKA, ALABAMA.

WHEREAS, The Alabama Legislature has noted with a sense of deep regret the passing of W. Francis Pearson, City Clerk of Opelika, Alabama; and

WHEREAS, Mr. Pearson served twenty-two years as City Clerk of Opelika from 1953 to 1975 in which he was credited with setting up a financial system that enabled the city to establish and operate on a



balanced budget for the past twenty years and, also, establishing a system of centralized purchasing which saved the city thousands of dollars annually; and

WHEREAS, Mr. Pearson in 1964 was honored by the Alabama Society of Certified Public Accountants and in 1970 received the Distinguished Service Award from the Alabama League of Municipalities; and

WHEREAS, Mr. Pearson was a charter member and past president (1971-74) of the Alabama Association of Municipal Clerks and Administrators, and also served as a member of the Municipal Finance Officers Association of the United States and Canada; and

WHEREAS, Mr. Pearson, in his own community, was a member and past president of the Opelika Rotary Club, past exalted Ruler of the Auburn-Opelika Elks Lodge and taught Sunday School at the First Baptist Church of Opelika; and

WHEREAS, This Legislature would like to pay tribute to this great and responsible man who made a significant and lasting contribution to his city and to the State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of W. Francis Pearson and express our deep and sincere sympathy to his widow, Mrs. Sarah H. Pearson, and his family to whom copies of this resolution shall be sent.

On motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. McNair:

H. J. R. 284. THANKING THE DECATUR AREA FOR ITS HOSPITALITY TO THE LEGISLATURE.

WHEREAS the Decatur area delegation and their trade area so thoughtfully extended their warm hand of hospitality to the members of the legislature recently; and

WHEREAS there were numerous individuals who assisted in making the trip one of information and delight to all legislators and their guests; and

WHEREAS this body is aware of the many contributions which the Decatur area makes to the state of Alabama; and

WHEREAS the trip to Opryland in Nashville, Tennessee, was an enjoyable trip and one that thrilled every member of the party; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That our sincere thanks are

extended to the Decatur delegation and their area and all other groups or individuals responsible for the many courtesies presented to the members of this legislature.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to each member of the Decatur area delegation.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 284, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### FURTHER CONSIDERATION OF H. B. 899

The Senate proceeded to further consideration of the Bill, H. B. 899. The question was on the Stewart amendment to the substitute for the Bill.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Sasser:

H. 1683. To authorize and direct the Board of Education of Dale County to determine and fix the annual salary to be paid the Superintendent of Education, commencing at the beginning of the next term of office.

With notice and proof thereto attached and herewith exhibited as follows:

#### LEGAL NOTICE

#### STATE OF ALABAMA COUNTY OF DALE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

To authorize and direct the Board of Education of Dale County to determine and fix the annual salary to be paid the Superintendent of Education, commencing at the beginning of the next term of office.

Be It Enacted by the Legislature of Alabama:

Section 1. The Board of Education of Dale County is hereby authorized and directed to determine and fix the annual salary of the Superintendent of Education commencing at the beginning of the next term of office, and the beginning of each succeeding term of office.

Section 2. The superintendent's salary shall be set at the discretion of the Board of Education within the index range of 1.9 to 2.2 of the current salary schedule for teachers holding the same degree, certification level, and experience.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF DALE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Joseph H. Adams, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Southern Star, a newspaper of general circulation published in Dale County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 23, 30, August 6, and 13, all in the year 1975.

JOSEPH H. ADAMS.

Sworn to and subscribed before me August 29, 1975.

IRENE MATHIS,  
Notary Public.

Also:

By Messrs. McMillan and Kinsey:

H. 1692. Relating to any county having a population of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census; authorizing the governing body to appropriate county funds to all organized fire departments of the county.

Also:

By Messrs. McMillan and Kinsey:

H. 1693. To further amend Section 6 of Act No. 2452, H. 2798, 1971 Regular Session (Acts of 1971, p. 3917), as amended, entitled, "An Act To provide courts in each county of the state having a population of not less than 57,000 nor more than 61,000 inhabitants according to the most recent federal decennial census and vesting each with jurisdiction formerly exercised by justices of the peace; providing for additional powers of said courts; providing for its officers, and their appointment; elections; providing for the term of office of the judge, his powers, duties, compensation, and for costs and fees in such court; providing for the transfer of all cases pending in justice of the peace court of said court hereby established; providing for appeal from said court; providing for procedure, practice and pleading in said court; to provide for the approval of bonds in such matters pending before this court," so as to increase the compensation of judges of the Inferior Court to \$9,600 per annum.

Also:

By Messrs. McMillan and Kinsey:

H. 1694. To regulate further the fees of sheriffs in all counties of this State having populations of not less than 57,000 and not more than 61,000 according to the most recent federal decennial census.

Also:

By Messrs. McMillan and Kinsey:

H. 1695. Relating to all counties having a population not less than 57,000 nor greater than 61,000, according to the latest Federal decennial

census; authorizing the county commission to set clerk hire for all county officers.

Also:

By Messrs. Kinsey and McMillan:

H. 1696. Relating to all counties having populations of not less than 57,000 nor more than 61,000 inhabitants according to the most recent federal decennial census; authorizing an additional uniform allowance for all uniformed personnel of the sheriff's department of each such county; and providing a clothing allowance for chief investigators and assistant investigators, the same to be paid from the county treasury.

Also:

By Mr. Baker:

H. 1699. To propose and provide for the submission to the qualified electors of the State of Alabama of an amendment to the Constitution of Alabama (a) authorizing each school district in Russell County to levy and collect a tax of eight mills on each dollar of taxable property in each district when approved by the qualified electors thereof; (b) providing that the tax year commencing October 1, 1982, is the first tax year for which each such district tax may be levied; and (c) repealing, effective October 1, 1982, the constitutional amendment known as CXXIV which authorizes an eight mill countywide tax for public school purposes in Russell County.

Also:

By Messrs. Manley and Pegues:

H. 1713. Relating to all counties with populations of not less than 23,800 nor more than 23,925 inhabitants according to the most recent federal decennial census; providing for the salary of the jury commission.

Also:

By Mrs. Quarles:

H. 1716. To provide for a retirement pension for members of the county governing body of St. Clair County, to set the eligibility requirements for such pension and the amount, including contributions to retirement fund, and method and source of payment thereof.

With notice and proof thereto attached and herewith exhibited as follows:

#### STATE OF ALABAMA ST. CLAIR COUNTY

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

To provide for a retirement pension for members of the county governing body of St. Clair County, to set the eligibility requirements for

such pension and the amount, including contributions to retirement fund, and method and source of payment thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Any member of the county governing body of St. Clair County who has served a total of eighteen (18) years or more as a member of the St. Clair County governing body and or as a county employee of said county, provided that a minimum of fourteen (14) years of said service has been as a member of the St. Clair County governing body, and who has attained the age of sixty-five (65) years shall upon his retirement from such service, receive a pension from St. Clair County, which pension shall amount to two hundred dollars (\$200) per month, provided that such member has contributed to St. Clair County an amount equal to four percent (4 percent) of his gross salary, as such salary is paid to him after this act becomes operative. Such contributions shall, for members who are in office when this act becomes operative, be commenced beginning with the first month next following the date when this act becomes operative, and for subsequently elected members, shall commence upon their taking office. Such contributions shall continue to be made for as long as such members shall serve as members of the 8 governing body, to the time of their retirement.

Section 2. Nothing contained in this act shall be construed as making contributions by any member mandatory, but any such member who does not participate by contribution toward his retirement shall not be entitled to the retirement benefits provided by this act. Any member who makes contributions to the county under the terms of this act but does not serve a total of at least eighteen (18) years as herein provided, shall upon his retirement or other separation from office, be entitled, or in the event of his death, his personal representative shall be entitled to a refund of the total amount of money, without interest, thus contributed by such member during his service in office, upon making verified claim therefor to the governing body of St. Clair County. In the event that any member begins to draw the retirement allowance to which he shall be entitled by the terms of this act and dies before withdrawing an amount equal to the total amount contributed by him during his covered service, the personal representative of such member shall be entitled to a refund of the remaining portion of the total amount so contributed by the member, without interest, upon making verified claim therefor to the governing body who fails to make the contributions herein provided shall not thereafter be allowed to pay past accrued contributions in order to avail himself of the benefits afforded by this act.

Section 3. This retirement pension shall be paid to such retired members by St. Clair County out of the general fund of said county in equal monthly installments, commencing on the first day of the second month after his retirement each such monthly payment to be for the last previous month and shall continue until his death.

Section 4. No person who is eligible or can qualify for retirement benefits under any other state or county retirement plan will be eligible to receive retirement benefits under this act.

Section 5. This act shall become effective immediately.

**STATE OF ALABAMA  
ST. CLAIR COUNTY**

On this 29th day of August 1975, personally appeared before me Patricia R. Mitchell, Notary Public, in and for the County and State aforesaid, Larry M. Camp, who being duly sworn according to Law, declares that she is Managing Editor of the "St. Clair News-Aegis," a newspaper published in the city of Pell City, in the County of St. Clair, State of Alabama, and that the advertisement, a true copy of which is herewith attached, appeared in the "St. Clair News-Aegis" on the following dates: 7/30/8/7/14/21/75.

LARRY M. CAMP.

Subscribed and sworn to before me, this 29th day of August, A.D., 1975.

PATRICIA R. MITCHELL,  
Notary Public.

Also:

By Mr. Reed:

H. 1719. Relating to all counties having populations of not less than 24,500 nor more than 25,000 according to the most recent federal decennial census: Authorizing the county governing body of each such county to establish, maintain and finance a public law library for the county and providing for its operation, supervision and control.

Also:

By Mr. Reed:

H. 1720. Relating to all counties having populations of not less than 11,500 nor more than 12,500 according to the most recent federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit in such counties the handling and sale of "table wines" as therein defined and distinguished from "fortified wines" in manner similar to the procedure by which beer, malt or brewed beverages are now sold.

Also:

By Mr. Starkey:

H. 1722. Relating to cities having a population of not less than 9,200 nor more than 9,400 inhabitants according to the most recent federal decennial census; to provide retirement allowances for elected officials in such cities and to provide for the payment of such allowances.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. B.'s 1683, 1692, 1693, 1694, 1695, 1696, 1699, 1713, 1716, 1719, 1720 and 1722. To the Committee on Local Legislation No. 1.

(The above numbered Bill, H. B. 1699, was read at length as required by the Constitution.)

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Crowe, Biddle, Robertson, Malone, Owens, Waggoner, Cooper, Rich, McNees, Glass, Martin, McCluskey, Sandusky, Smith (M), Teague, Hall, Kelley, Cross, Roberts, Wyatt, Shelton, McCulley, Warren, Manley, Crawford, Naramore, Boles, Hopping, Callahan, Jackson (R), Taylor and Tucker:

H. 1568. To amend Subsections D and K of Section 186, Section 191, Section 194, Subsection C of Section 201, Section 204, Section 207, Subsections D and E of Section 213, Subsections B and C of Section 214, Subsection D of Section 216, Subsection C of Section 218, and Subsections B and C of Section 224, Title 26, Chapter 4, Code of Alabama 1940, as last amended.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 1568. To the Committee on Finance and Taxation.

### FURTHER CONSIDERATION OF H. B. 899

The Senate proceeded to further consideration of the Bill, H. B. 899. The question was on the Stewart amendment to the substitute for the Bill.

Mr. Flippo moved that further consideration of the Bill, H. B. 899, be postponed until the Thirtieth Legislative Day. On motion of Mr. Fine, the motion to postpone was laid on the table.

Yeas 15; Nays 9.

*Yeas:*

Messrs. Adams, Clemon, Edwards, Fine, Foshee, Gilmore, Givhan, Littleton, Mitchell, Pearson, Perloff, Powell, St. John, Vacca, Wilson.

—15

*Nays:*

Messrs. Baker, Ellis, Flippo, King, McDonald (A), Owen, Perry, Shelby, Stewart.

—9

### REPORTS OF COMMITTEES

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said committee, in session, had acted on the

following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Boles, Trammell, Hall, Hilliard and Armstrong:

H. 396. To create an independent division under the Department of Education to administer the various programs under the National Social Security Act; provide for a director of such division, and define the duties and functions of such division and director.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Baker and Flippo:

S. 1133. To provide for the creation of the Alabama Elected Officials Retirement Fund; to provide for the actuarially sound administration and supervision thereof; to provide for the payment of contributions by the members of said fund; and further to provide for the necessary and proper appropriations and other employer costs to carry out the provisions of this Act.

By Messrs. Baker and Flippo:

S. 1156. Proposing an amendment to the Constitution of Alabama to authorize the Legislature to provide for the retirement of elected officials and of heads of departments of state government with such conditions, retirement benefits and pensions as it deems wise.

The above Bill was read a second time at length as required by the Constitution.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Torbert, Flippo, McMillan, Clemon, Pearson, King, Shelby, Stewart, Perloff, Roberts, Mitchell, Vacca, Ellis, Powell, Bank, Weaver, Givhan, Little, St. John, Baker, Adams, McDonald (S), Waldrop, Noonan and Perry (With Substitute) (With Amendments):

S. 400. To implement the new Judicial Article of the Alabama Constitution (Amendment No. 328 approved December 18, 1973); by establishing a unified judicial system for the state; by establishing a new state court of limited jurisdiction to be known as the District Court of Alabama, having uniform jurisdiction, procedures and costs; by authorizing the establishment of municipal courts having uniform jurisdiction, procedures and costs; by providing that the state bear the cost of personnel and operation of the circuit and district courts; by making appropriations for the payment of salaries, pensions and other costs of the unified judicial system, except the courts of probate and municipal courts; by amending various sections of the Alabama Code of 1940 and subsequent statutes as required to make effective the unified judicial system. The contents of this Act are organized as follows:



The judicial authority of the state is vested in a unified system; amending section 1 of title 13 of the Code of Alabama, 1940, to reflect constitutional provisions.

The jurisdiction of the circuit court and powers of presiding circuit judges are described with amendments to the Code of Alabama reflecting the new court structure; presiding circuit judge has supervision of personnel of circuit and district courts; circuit court has jurisdiction of appeals from municipal and district courts; and jurisdiction of involuntary commitment cases, if transferred from probate court.

Repeals sections 157, 158, 159, 179, 180 and 181 of title 13 of the Code of Alabama, 1940; repeals Act No. 530, approved August 21, 1969; amends sections 115, 123 and 172 of the Code of Alabama, 1940.

Provision is made for probate judges' election to come under the judicial retirement act; amount of benefits specified.

The district court established; effective January 16, 1977; civil and criminal jurisdiction; number of judges and places of holding court; election, compensation and retirement of district court judges; uniform traffic ticket procedure; preliminary hearing jurisdiction; use of magistrates; district attorney responsible for prosecution; provision for a district court in every county, designating places in counties where court must be held; transfer of cases from present county and other courts; jurisdiction of civil cases up to five thousand dollars (\$5,000.00); special docket for small claims up to five hundred dollars (\$500.00); jurisdiction of juvenile cases; exclusive criminal jurisdiction in misdemeanor cases except those in municipal courts; authority to receive guilty pleas in all felonies not involving death penalty.

Repeals sections 313, 314, 315-341, 345, 346, 349 and 384-406 of title 13 of the Code of Alabama, 1940; repeals Act No. 764, approved September 17, 1953; and Act No. 535, approved January 1, 1954.

Jurisdiction of juvenile cases placed in district court; civil, criminal and delinquency procedures and rules regarding juveniles established; age of juveniles revised to eighteen on January 16, 1977; appointment of referees; probation services; advisory boards; scope of jurisdiction; delinquency, custody, commitment, child abuse, offenses against children, paternity, desertion and non-support; investigations and complaints; court custody, detention and shelter care; transfer to criminal court; right to counsel; disposition of dependent and delinquent children; guardians ad litem; confidentiality of records; adult offenses; and appeals.

Repeals sections 350-383 of title 13 of the Code of Alabama, 1940.

Providing for security and protection of judicial facilities; advisory and standing committees; temporary judicial personnel; court facilities; appellate court personnel benefits and expenses; publishing and construction of rules; coordination and use of appropriations; voluntary diminution of compensation; use of special judges; provisions for senior associate justices to perform duties of chief justice when chief justice unable to act; supernumerary justices or judges and their dependents' rights and benefits; additional permanent duties for designated judges; procedure when bill introduced to increase or decrease number of judges or change boundaries of circuit or district; and local legislation affecting the judiciary.

Provision for phased assumption by the state of employment and compensation of personnel of district and circuit courts, beginning October 1, 1977; protection of local retirement rights of county employees transferred to state; compensation of circuit clerks; employee benefits for transferred personnel; positions of confidential secretaries and bailiffs for judges; court reporters and referees; office of register abolished when present positions become vacant; compensation of registers; court reporters compensation; and supernumerary clerks and registers.

Establishment of municipal courts with uniform jurisdiction, procedures and costs; procedures for abolition of municipal courts by municipalities, transfer of jurisdiction to district court, and apportionment of fines; procedures for re-establishment of municipal courts; appointment and qualification of municipal judges; compensation fixed by municipality; authority of judges; bail on personal recognizance, fines, jail, suspended sentence, probation; appeals to circuit court; arrest and search warrants; and use of magistrates.

Repeals sections 582-600 of title 37 of the Code of Alabama, 1940; repeals Act No. 403, approved August 16, 1965; Act No. 665, approved September 6, 1961; and Act No. 1108, approved September 12, 1969.

Declaration of state policy that state provide counsel for defense of indigents in all criminal cases in which defendants are entitled to counsel under the state or federal constitution; provides that the presiding circuit judge administer the indigent defense system; allows local option regarding type defense services provided; establishes an advisory indigent defense commission in each circuit; authorizes establishment of a public defender system in any circuit, paid by the state; and provides for compensation of appointed counsel by the state.

Repeals a portion of section 2 of Act No. 2421, approved October 1, 1971; and amends section 1 of Act No. 2420, approved October 1, 1971.

Probation services conformed to unified court system; provides maximum probation period of five years for felonies and two years for misdemeanors, and for termination of probation.

Amends sections 19, 23 and 24 of title 42 of the Code of Alabama, 1940.

Defines the duties and authority of administrative director of courts as assistant to chief justice as administrative head of judicial system; provides for personnel policies; provides for the attendance by judges and personnel of judicial system at educational conferences and meetings; provides for study and supervision of programs relating to the administration of justice, and coordination and use of judicial funds from appropriations and grants by the director.

Provides for authority to administer oaths and require testimony and production of records by judicial compensation commission established by the Constitution; and provides for payment of expenses of the commission.

Provides per diem compensation for members of judicial inquiry commission who are not judges in amount of one-half of one percent of annual salary paid by the state to circuit judges.

Provides for expenses of the court of the judiciary and reporter.

Provides for representation of district, municipal, and probate judges on judicial conference; amending Act No. 118, approved January 12, 1972.

Provides for assumption by the state of expenses of district and circuit courts, phased over two budget periods; provides that counties continue to be responsible for construction, maintenance and operation of courtrooms and facilities, and for transfer of title to equipment and furniture to the state; establishes uniform fees and court costs in circuit and district courts; provides for distribution of fees, costs, and fines between state and municipality.

Repeals sections 1, 10, 11, 13, 18-26, 34, 38, 40-43, 55, 59-63, 65, 67, 72-76, 81-83, 85, 86, 89-91, 96, 97, 100-102 and 112 of title 11 and section 392 of title 15 of the Code of Alabama, 1940; repeals Act No. 742, approved September 23, 1957; Act No. 58, approved June 1, 1945; section 1 of Act No. 741, approved September 23, 1957; sections 1 and 2 of Act No. 570, approved September 16, 1963; Act No. 311, approved July 28, 1949; section 2 of Act No. 575, approved July 7, 1943; Act No. 573, approved July 7, 1943; Act No. 413, approved July 7, 1945; Act No. 483, approved July 7, 1945; and Act No. 177, approved July 21, 1947; amends sections 2-4, 6-8, 35-37, 39, 56, 57, 64, 92-95, 98, 104-108, 110 and 113 of title 11 of the Code of Alabama, 1940; and amends section 2 of Act No. 625, approved September 4, 1951; and a portion of section 2 of Act No. 2421, approved October 1, 1971.

Provides for state appropriations for Act.

Provides for severability of provisions of Act in proper case; repealer of existing laws inconsistent with Act; and establishes effective date of Act where individual articles or sections do not establish such.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Hill, Greer and Coburn (with notice and proof):

H. 1049. To amend Act No. 30, H. 69, Acts of Alabama, Regular Session 1953, approved May 28, 1953, relating to the construction, maintenance, and repair of the county roads and bridges of Lauderdale County and providing that such roads and bridges shall be constructed, maintained, and repaired by the State Highway Department, by amending Sections 1, 2, and 5 thereof; providing that the county governing body shall have and exercise the power to set up projects within the county and to further determine the location of new roads and bridges within the county which may be established as an addition to or change in the existing county road system; providing that the State Highway Department shall cause its Lauderdale County Engineer, or Assistant Engineer, to personally meet with county governing body of Lauderdale County on a quarterly basis and make an up-to-date status report on the progress of the work of the State Highway Department relating to the construction, maintenance, and repair of the county roads and bridges of Lauderdale County; and further providing that the State Highway Department shall prepare and file with the governing body of Lauderdale County on a quarterly basis each year a quarterly financial report relating to the construction, maintenance, and repair of the county roads and

bridges of Lauderdale County by the State Highway Department under the provisions of this Act.

By Messrs. Smith (J), Carothers, Crawford and Sasser:

H. 1311. Relating to the twentieth judicial circuit; providing for an additional circuit court judge in such circuit and prescribing the duties, authority, and compensation of such judge; establishing the family court division of such circuit; prescribing the jurisdiction of the family court division and providing for selection, appointment, qualifications, tenure, and compensation of officers and administrative and clerical personnel; abolishing special courts having jurisdiction of juveniles and domestic relations cases.

By Messrs. Crawford, Williams and Carothers:

H. 828. Relating to the eradication and control of swine diseases: to make an appropriation to the department of agriculture and industries for the fiscal year ending September 30, 1976, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of cholera, African swine fever and other swine diseases.

By Mr. Robertson, et al:

H. 230. To create a commission called Alabama Foreign Trade Relations Commission; prescribing certain powers and duties for said permanent state commission; authorizing the use of legislative funds in the amount of \$50,000 per year for its expenses during 1975-76 fiscal year; providing for transportation facilities for the commission and for expenses of the commission.

By Messrs. Barron, Harris, Wyatt, Plaster, Lewis and Holmes (with notice and proof):

H. 1139. Relating to the fifteenth judicial circuit, providing for two additional judicial circuit judges for such circuit, and creating a civil and a criminal division for said circuit.

By Mr. Little:

S. 527. To exempt the Huguley Water System in Chambers County, Alabama, from the payment of all state, county, and municipal sales and use taxes.

By Mr. Foshee:

S. 1129. Relating to trees, tree seedlings and saplings of any kind or species on or within highway right of way in possession of, or under the control of the State of Alabama Highway Department: To constitute and make it a misdemeanor and to provide penalties for any person to cut down, deaden, girdle, box destroy, or to take away if already cut down, any tree, tree seedling or sapling of any kind or species on or within highway right of way in the possession of, or under the control of the State of Alabama Highway Department; to provide application to those aiding or abetting, or who are in any manner an accomplice therein; to provide for testimony to establish right of way in the possession of, or under the control of the Highway Department; and to exempt employees of the Highway Department from the penalties provided while acting within the line and scope of their employment.

By Mr. Foshee:

S. 1128. To amend Act No. 753, S. 306, 1953 Regular Session (Acts of 1953, P. 1015) [now appearing in Code of Alabama, 1940, Recompiled 1958] to provide for monetary payments by any person, firm, corporation or association which, without the consent of the Director of the State of Alabama Highway Department, cuts down, digs up, deadens, girdles, boxes, destroys, or takes away trees already cut down or fallen, upon rights of way in possession of or under control of the Highway Department; to provide for the bringing of actions; to provide that certain testimony may be received in actions under the provisions of this act; and to exempt from the provisions of this act employees of the Highway Department acting within the line and scope of their employment.

By Messrs. Venable and Plaster:

H. 180. To transfer any remaining funds out of the appropriation made to the Department of Conservation, Division of State Parks, Monuments and Historical Sites, by Act No. 653, H. 91, approved September 6, 1961 (Acts 1961, p. 790) to the Alabama Historical Commission to be expended for the restoration and development of the Fort Toulouse Site in Elmore County.

By Mr. Wilson:

S. 1126. To create the office of senior legislative counsel; to prescribe the qualifications, duties and term of all such officers; and to make appropriations from the state general fund to pay the salaries of all senior legislative counsel.

By Mr. Littleton:

S. 712. To amend Section 401, Title 51 of Code of Alabama 1940, so as to define further, gross income of a corporation which adopts a plan of complete liquidation in accordance with Section 337 of the Internal Revenue Code of the United States.

By Mr. Foshee:

S. 1127. To amend Act No. 276, S. 170, 1971 Third Special Session (Acts of 1971, p. 4543) [now appearing in Code of Alabama, Recompiled 1958, Title 23, Section 64(17)-64(35)] amending Sections III, IV, VI, VII, XII, AND XIII of such act known as the "Highway Beautification Act—Outdoor Advertising"; so as to provide control of outdoor advertising signs outside of an urban area beyond 660 feet of the right-of-way of interstate or primary highway systems; to provide for Court proceedings, evidentiary matters and procedures; to provide for just compensation for removal of such signs and to provide penalties for violations.

By Messrs. Wilson, McMillan, Givhan, Clemon, Pearson, Shelby, Weaver, Ellis, Vacca, Gilmore and Noonan:

S. 241. To provide for the establishment, regulation of, and an appropriation for the financing of a scholarship loan and awards program for the study of dentistry; replacing Act No. 793 of Acts of Alabama, Regular Session, 1965.

By Mr. Adams (with notice and proof):

S. 528. To provide for the appointment of a full-time Deputy District Attorney and an additional clerk-secretary for the 20th Judicial Circuit. Also to provide for compensation of said Deputy District Attorney and clerk-secretary and to provide for salary increases for said positions. Duties and responsibilities to be established by the District Attorney.

By Messrs. Lewis, Wyatt, Holmes, Plaster and Harris:

H. 603. To provide adequate professional, administrative, and clerical personnel, together with necessary equipment and funding for the Office of the District Attorney for the Fifteenth Judicial Circuit.

By Messrs. Gilmore and Littleton:

S. 969. To amend Section 312 of Title 37 of the Code of Alabama as heretofore amended, so as to exempt bonds issued by a county from compliance with the provisions of Sections 255, 258, 259, and 260 of Title 37 of the Code of Alabama of 1940.

By Mr. Gilmore:

S. 1102. Relating to medical clinic boards organized under Act No. 516 (1955 Regular Session), as amended; providing that in cases where any debt service reserve fund established by a medical clinic board is to be entirely funded out of bond proceeds, it will not be necessary for the rental under any related lease to include amounts sufficient to build up such debt service reserve and, in such cases, dispenses with the necessity of any findings by the Board of Directors of any such medical clinic board with respect thereto; providing that medical clinic board bonds may mature at such time or times not exceeding forty years from their date; providing that refunding bonds issued by such a medical clinic board need not be payable solely out of the same revenues out of which the refunded bonds were payable; and specifying that all the aforesaid provisions shall apply both prospectively and retrospectively except in certain specified cases.

Mr. McDonald (S), Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Williams, et al:

H. 660. To name the gymnasium at George C. Wallace State Community College after Mrs. Annie Lee Cherry.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Folmar, Reed, Sasser and Whatley:

H. 1483. Providing that the counties comprising the Third Judicial Circuit shall increase the compensation of the circuit court reporter so that his total salary shall equal \$12,000 per annum.

By Mr. Torbert (with notice and proof):

S. 137. Relating to Lee County; to provide that the County

Commission shall have the power to levy and collect additional privilege license taxes, excise taxes, alcoholic beverage taxes, and sales and use taxes; and to provide for the disposition of the proceeds of such taxes.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Jones (with notice and proof) (With Amendment):

S. 861. To establish the Employees' Retirement System of the City of Montgomery; to prescribe procedure for the administration of said system and to provide for retroactive effect to May 1, 1969.

Mr. Littleton, Chairmen of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Baker and McDonald (S) (with notice and proof):

S. 875. Relating to DeKalb County, amending Act No. 376, S. 577, Regular Session 1971 (Acts of 1971, p. 669), which act provides an expense allowance for the board of equalization, so as to increase said allowance for the members of said board.

By Messrs. Baker and McDonald (S) (with notice and proof):

S. 876. To create the scholarship and loan commission of DeKalb County for the purpose of providing loans and scholarships to residents of DeKalb County who plan a career in medicine, and to establish a fund for the fulfillment of the purpose of this act.

By Messrs. Baker and McDonald (S) (with notice and proof):

S. 877. To amend Act No. 218, H. 708, 1973 Regular Session, which authorizes the governing body of DeKalb County to designate and set up certain projects relating to construction of roads and bridges in DeKalb County, amending Sections 1 and 2 so as to redefine certain terms and to delete the provision restricting certain expenditures for betterment projects and to provide that under certain conditions the state highway director may veto a project approved by the county commission.

By Messrs. Baker and McDonald (S) (with notice and proof):

S. 878. Relating to DeKalb County; providing for the salary of the chairman of the county governing body.

By Mr. Baker (with notice and proof):

S. 879. Regulating nighttime hunting in DeKalb County; authorizing the taking, catching or killing of raccoons and o'possums under certain conditions and by certain means.

By Messrs. Baker and McDonald (S) (with notice and proof):

S. 880. Relating to DeKalb County; to provide that the next election of members of the county commission or other like governing body

shall be the general election of 1978; to provide that those members of said commission or other like governing body who were elected in the general election of 1974 shall continue to serve until their successors are elected and qualified and to repeal all conflicting statutes.

By Messrs. Baker and McDonald (S) (with notice and proof):

S. 881. To provide that no position or vacancy on any board or agency in DeKalb County shall be filled by appointment by the DeKalb County Commission after June 1 of any year in which members of the DeKalb County Commission are nominated and elected, except that such position or vacancy may be filled on a temporary basis with said appointment to expire on January 1 of the following year.

By Mr. McDonald (A):

S. 952. To repeal Act No. 796, H. 1033, Regular Session 1971 (Acts 1971, p. 1530) and to repeal Act No. 144, H. 130, First Special Session 1971 (Acts 1971, p. 228), both Acts entitled, "An Act Relating to municipalities having a population of not less than 70,000 nor more than 300,000 according to the 1970 or any subsequent federal decennial census; providing for the election by popular vote of members of the city board of education, to prescribe their terms, qualifications and compensation, and to abolish existing boards of education in such cities."

By Mr. McDonald (A) (with notice and proof):

S. 953. Relating to the City of Huntsville; to provide for the election by popular vote of the City Board of Education and for a time or date when such members of the board of education shall take office.

Mr. McDonald (S), Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Baker:

S. 287. To amend Section 6 of Act No. 106, S. 13, Regular Session 1971 (Acts 1971, p. 374), known as the "Alabama Exceptional Child Education Act," so as to provide financial assistance for the attendance of certain children at out-of-state facilities under certain circumstances and conditions.

By Messrs. Barron, Holmes, Wyatt, Plaster and Harris:

H. 713. To create a board of trustees to manage, control and maintain Alabama State University; to prescribe the powers, duties, authority, and compensation of the board; to provide for the appointment and prescribe the terms of office of members thereof; to divest the State Board of Education of all jurisdiction, power and authority with respect to the supervision, management and control of said university; and to provide for the transfer from said state board of education to the board of trustees of Alabama State University all supplies, funds, books, documents, records and other property or effects of such university.

By Mr. McMillan:

S. 1037. Providing further for the residency requirement at any institution of higher learning.



Mr. Fine, Chairman of the Standing Committee on Banking, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Torbert:

S. 466. Authorizing banks and trust companies holding treasury securities as executor, administrator, guardian, conservator, trustee, agent, custodian, or in any other fiduciary relationship to deposit, or arrange for the deposit, with the federal reserve bank in its district of such treasury securities to be credited to one or more accounts on the books of said federal reserve bank in the name of such bank to be designated trust or other accounts in accordance with rules and regulations of the federal reserve bank, to which similar treasury securities deposited by the bank for other fiduciary accounts may be credited; providing that ownership of, or interest in, such treasury securities may be transferred by entries on the books of said federal reserve bank without physical delivery thereof; requiring and authorizing the consent of its co-fiduciary where the bank or trust company holds such securities as a co-fiduciary; and prescribing the conditions upon which treasury securities may be so deposited.

By Mr. Torbert:

S. 467. Authorizing fiduciaries holding securities as executor, administrator, guardian, conservator, trustee, agent, custodian, or in any other fiduciary relationship to deposit, or arrange for the deposit of, such securities in a clearing corporation and, when such securities are so deposited, certificates and other instruments representing securities of the same class of the same issuer may be merged and held in bulk in the name of the nominee of such clearing corporation with any other such securities deposited in such clearing corporation by any person regardless of the ownership of such securities, and certificates or other instruments of smaller denomination may be merged into one or more certificates or other instruments of larger denomination; providing that ownership of, and interest in, such securities may be transferred by entries on the books of the clearing corporation without physical delivery of certificates or other instruments representing such securities; and prescribing the conditions upon which securities may be so deposited.

By Mr. Torbert:

S. 468. Authorizing banks and trust companies holding securities as executor, administrator, guardian, conservator, trustee, agent, custodian, or in any other fiduciary relationship to hold same in a manner such that, without certification of ownership attached, certificates and other instruments representing securities of the same class of the same issuer constituting assets of different accounts are held in bulk, including the merging of certificates or other instruments of smaller denominations into one or more certificates or other instruments of larger denominations; requiring and authorizing the consent of its co-fiduciary where the bank or trust company holds such securities as a co-fiduciary; authorizing securities so held to be registered in the name of a nominee; and prescribing the conditions upon which securities may be so held.

By Mr. Torbert:

S. 469. To amend Section 8-102 of Act No. 549, S. 2, Regular Session 1965, (an Act known as the Uniform Commercial Code) so as to change the definition of "clearing corporation" contained in said Section 8-102.

Mr. Mitchell, Chairman of the Standing Committee on Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. McCluskey:

H. 296. To amend Section 170 of Act No. 407 of the Regular Session 1971, approved August 25, 1971, entitled, "An Act to provide a comprehensive revision, consolidation and classification of the laws of the State of Alabama relating to insurance and to the insurance business; to regulate the incorporation, formation, and affairs of domestic insurance companies, societies, and associations; and the admission of foreign alien insurance companies, societies, and associations; to provide their rights, powers and immunities, and to prescribe the conditions on which insurance companies, societies and associations organized, existing, or authorized under this Act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, and associations engaged in or affected by an insurance business may exercise their powers; to provide for service of process on unauthorized insurers and the conditions for defense of actions brought against them in this State; to provide for certain powers, rights, obligations, and consequences as to insurers and other persons relative to insurance contracts and annuity contracts and matters arising from such contracts; to provide for the imposition of licenses, fees, and taxes and for the disposition thereof; to provide for the departmental supervision and regulation of the insurance business within or relative to this State; making appropriations; to provide penalties for the violations of this Act; to repeal certain laws and Acts, and for other purposes;" so as to authorize the Commissioner of Insurance to issue licenses to nonresident persons in cases where the applicant for license is sponsored to the Department of Defense to solicit life and disability insurance from military personnel of the United States on military bases of such county outside its continental limits and within the geographical limits of jurisdictions which do not regulate the solicitation of such applications for insurance on such military basis.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill, and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Martin, Roberts, Cross and Drake (with notice and proof):

H. 358. To authorize the charging of a "convenience fee" in the amount of 25 cents on the sale of any hunting or fishing licenses sold in Morgan County by any special agent who sells hunting or fishing licenses in the City of Decatur under authority granted pursuant to the provisions of Act No. 628, H. 351, p. 1082, Acts of Alabama, 1951 Regular Session of the Alabama Legislature; prescribing penalties for the violation of the provisions of this act.

#### FURTHER CONSIDERATION OF H. B. 899

The Senate proceeded to further consideration of the Bill, H. B. 899. The question was on the Stewart amendment to the substitute for the Bill.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 183. To prohibit state government, any of its political subdivisions or any agencies thereof from purchasing, with public funds, any beef that is not produced within the United States.

JOHN W. PEMBERTON,  
Clerk.

## COMMUNICATION FROM SENATOR WEAVER

SENATE CHAMBER  
Montgomery, Alabama 36130

September 9, 1975

Senators:

The Senate has facing it many important issues. You do not need to nor do you have time to be laboring over someone's personal problems. As you know, there has not been any suggestion by the Senate or any of its committees that any action be taken or that I take any action on any charges made against me. But, I have decided and I desire to take some action myself. You have been my friends and I think I should show some good faith to you.

As of September 9, 1975, I am recusing myself from any official action which includes of course, voting on issues before the Senate, participating as Chairman of the Business and Labor Relations Committee and taking part in committee action with the Rules, Judiciary, Insurance, Business and Labor Relations and Agriculture Committees of which I am a member.

I again state my innocence and I know this will be proven in the final results. I sincerely request your acceptance of this recusal.

Sincerely,  
ROBERT W. WEAVER.

The foregoing Communication from Senator Weaver was read and ordered spread upon the Journal.

## RESOLUTION

Mr. Edwards offered the following Senate Resolution, to-wit:

S. R. 116. ACCEPTING THE RECUSAL OF SENATOR ROBERT W. WEAVER FROM HIS OFFICIAL ACTIVITIES IN THE SENATE.

WHEREAS Certain allegations have been made against Senator Robert W. Weaver charging him with alleged criminal offenses under the statutes of this state; and

WHEREAS Senator Weaver has made an offer to recuse himself from taking any further official action in his capacity as a senator of this state; and

WHEREAS This voluntary recusal removes the necessity of the Senate to take further action of these matters at this time; and

WHEREAS The Senate does accept his recusal from any further official activities; now therefore

BE IT RESOLVED BY THE SENATE OF ALABAMA LEGISLATURE, That the offer to recuse himself from any official activities in the Senate made by Senator Robert W. Weaver is hereby officially accepted.

BE IT FURTHER RESOLVED That the Senate will take no further action on these matters at this time.

On motion of Mr. Edwards, the Rules were suspended and the Resolution was adopted by the Senate.

#### FURTHER CONSIDERATION OF H. B. 899

The Senate proceeded to further consideration of the Bill, H. B. 899. The question was on the Stewart amendment to the substitute for the Bill.

### COMMUNICATION FROM THE SUPREME COURT

SEPT 5 1975

#### THE STATE OF ALABAMA — JUDICIAL DEPARTMENT

#### THE SUPREME COURT OF ALABAMA

#### SPECIAL TERM, 1975

To the Honorable Members of the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Sirs:

We are in receipt of Senate Resolution No. 58 of 22 July 1975, Alabama Legislature, Regular Session 1975. It requests our opinion as to questions posed regarding the constitutionality of Senate Bill No. 862 in several particulars. For ease of reference we will set out the bill in its entirety followed by the opinion in which each question posed by the resolution will be stated together with its answer, in seriatim.

#### A

“Synopsis: This bill authorizes joint or cooperative action by municipalities, electric boards and cooperatives in cooperation with municipal electric authorities, public utilities and others in the planning, financing, developing, acquisition, construction, improving, enlarging, owning, operating and maintaining facilities for the generation, transmission, transformation and distribution of electric power and energy.

By Messrs. Stewart, King, Adams, Foshee, Littleton, Flipppo, Clemon and Pearson:

S. 862. RFD—C.T.&U.

A BILL  
TO BE ENTITLED  
AN ACT

To provide for the joint ownership and operation of systems and facilities for the generation, transmission, transformation and distribution, or any of them, of electric power and energy which systems and facilities may be situated within or without the State or partly within and partly without the State; to authorize each town, city or incorporated municipality, each electric board (public corporations organized under Act No. 175 of the 1951 Regular Session of the Alabama Legislature, as amended) and each electric cooperative (corporations organized under Article 1, Chapter 3 of Title 18 of the Alabama Code of 1940, as amended) to plan, finance, develop, acquire by purchase or construction, lease as lessee or lessor, improve, enlarge, own, operate, manage and maintain such systems and facilities or any part thereof or undivided interest therein, jointly or in cooperation with, and to enter into and carry out the provisions of any contract or contracts with respect thereto with one or more other municipalities, electric boards, cooperatives, or any other person, firm or corporation including, without limitation, any municipal electric authority incorporated as a public corporation under the laws of the State heretofore or hereafter enacted, the State of Alabama, the United States of America or any other state, or any agency of any of them, or any public or private corporation organized under the laws of any state or of the United States of America heretofore or hereafter enacted; to provide that such contract or contracts may contain such provisions as the parties thereto may determine, including the designation of an agent to act for all parties to the contract and the arbitration of disputes; to authorize any municipality, electric board or cooperative to issue its bonds and bond anticipation notes to pay the cost of its interest in such systems and facilities and to pledge to payment of its bonds the revenues from its interest in such systems and facilities and from any electric system owned by it; to provide that such bonds shall be legal investments and eligible as security for the deposit of public funds; to authorize any municipality, electric board and cooperative to enter into trust indentures and other contracts with respect to its bonds and to fix, maintain and alter rates, fees and charges for the use of and for services furnished by any electric systems and facilities or interest therein owned by it; to exempt all municipalities, electric boards and cooperatives and their electric systems and facilities and interest therein from regulations by the Alabama Public Service Commission; to exempt every municipality, electric board and cooperative issuing bonds under the Act from the laws of the State of Alabama governing usury; to exempt all contracts made by municipalities, electric boards and cooperatives in the exercise of any power or authority under the Act from the provisions and requirements of Act No. 217 adopted at the 1967 Special Session of the Alabama Legislature, as amended, with respect to competitive bidding; and to provide that all property of any municipality or electric board acquired in the exercise of any right or power granted in the Act and the income therefrom, all bonds issued by any municipality or electric board under the Act and interest therefrom and all deeds, indentures and other documents executed by or delivered to any municipality or electric board shall be exempt from all state, county, municipal and other taxation in the State.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. Whenever used in this Act, unless a different meaning clearly appears in the context, the following terms, whether used

in the singular or plural, shall be given the following respective interpretations:

(a) "Cooperative" or "Electric Cooperative" means any corporation organized pursuant to the provisions of Article 1, Chapter 3 of Title 18 of the Alabama Code of 1940, as amended.

(b) "Eligible Participant" means any Municipality, Electric Board or Electric Cooperative.

(c) "Electric Board" means any corporation organized pursuant to the provisions of Act No. 175 adopted at the 1951 Regular Session of the Legislature of Alabama, as amended, which is authorized to own or operate an electric system as defined in said Act.

(d) "Governing Body" means, when used with respect to a Municipality, the council, board of commissioners or other governing body of such Municipality, when used with respect to an Electric Board, the board of directors of such board and, when used with respect to an Electric Cooperative, the board of trustees of such Cooperative.

(e) "Issuer" means, when used with respect to bonds or notes, the Municipality, Electric Board or Cooperative issuing such bonds or notes.

(f) "Municipality" means any town, city or incorporated municipality in the State.

(g) "Municipal Electric Authority" means any public corporation authorized to own a Project which corporation is organized or incorporated pursuant to authorization by the Governing Bodies of one or more Municipalities under any law of this State heretofore or hereafter enacted.

(h) "Project" means any system or facility for the generation, transmission, transformation and distribution, or any of them, of electric power and energy by any means whatsoever, including, but not limited to, any one or more electric generating units situated at a particular site, which system, facility or generating units may be situated within or without the State or partly within and partly without the State.

(i) "Project Costs" means the cost of any Project or any undivided interest in any Project, and shall include without limitation the cost of acquisition, construction, reconstruction, improvement, enlargement, betterment, extension or replacement of any Project or any part thereof or an undivided interest therein, cost studies, plans, specifications, surveys, estimates of costs and revenues relating thereto, the cost of land, land rights, rights of way and easements, water rights, fees, permits, approvals, certificates, franchises, the cost of preparation of applications therefor and securing the same, administrative, legal, engineering, inspection expenses, the cost of issuance of bonds, including financing fees, underwriting fees, cost and expense, and fiscal agents' fees, initial fuel costs, start up costs, the cost of operation and maintenance of the Project and interest on bonds during the period of construction and for such reasonable period thereafter as may be determined by the Governing Body of the Issuer, the establishment of reserves for the payment of the principal of and interest on bonds and for replacements, extensions, enlargements and improvements and repairs to any Project, and all other costs which the Governing Body of the Issuer may determine to be necessary or desirable.

(j) "State" means the State of Alabama.

(k) "Utility" means any person, firm or corporation which owns or proposes to acquire any facility or facilities or part thereof or undivided interest therein used or useful in generating, transmitting, transforming, selling or distributing electric power and energy, including, without limitation, an Eligible Participant, a Municipal Electric Authority, the State, the United States of America, any other state or any agency of any of them, or any public or private corporation organized under the laws of any state or of the United States of America heretofore or hereafter enacted.

Section 2. Authority of Eligible Participants to engage in joint and cooperative action. In addition and supplemental to the powers otherwise conferred on each Eligible Participant by the laws of the State, each Eligible Participant is hereby authorized and empowered to plan, finance, develop, acquire by purchase or construction, lease or lessee or lessor, reconstruct, improve, enlarge, own, operate, manage and maintain any Project or Projects or any part thereof or undivided interest therein jointly or in cooperation with one or more other Utilities and to make such plans and enter into such contracts in connection therewith not inconsistent with the provisions of this Act as the Governing Body of such Eligible Participant may deem desirable.

Section 3. Contracts of Eligible Participants. Each Eligible Participant is hereby authorized to enter into and carry out the provisions of any contract or contracts with one or more other Utilities providing for the planning, financing, developing, acquiring by purchase or construction, leasing as lessee or lessor, improving, enlarging, owning, operating, managing and maintaining one or more Projects. Any such contract or contracts may contain such terms and provisions as the Governing Body of the Eligible Participant may determine to be desirable, including without limitation any one or more or all of the following:

(a) the duration of the contract, which may extend for a term not to exceed 50 years;

(b) the method of financing the Project;

(c) the acquisition of the Project by purchase, lease or construction, which may provide that one of the parties to the contract or some other person, firm or corporation shall supervise such acquisition as agent for all parties to the contract;

(d) the leasing of the Project to one of the parties to the contract or some other person, firm or corporation, which lease may extend for a term not to exceed 50 years;

(e) the operation and maintenance of the Project, which may provide that one of the parties to the contract or some other person, firm or corporation shall operate and maintain the Project as agent for all of the parties to the contract;

(f) the creation of a committee of representatives of the contracting parties, with such powers of management and supervision with respect to the Project as the contract may provide;

(g) the fixing, maintaining and altering from time to time of reasonable rates and charges for the services and facilities provided by the Project;

(h) the termination of service for non-payment of bills; the alienation or restriction of the alienation of the undivided interest of a party in a Project, and the prohibition or restriction or partition of any Project, and such provisions shall not be subject to any provisions of law restricting covenants against alienation or partition;

(i) the respective ownership interests of the parties in the Project, their respective rights to share in the revenues to be derived therefrom, the electricity provided by and the capacity of the Project, and such ownership interests, and rights to share in revenues, electricity and capacity shall be as nearly as practicable, in proportion to the amount of money furnished and the value of property or other consideration supplied by each party in the planning, financing, developing and acquiring of the Project;

(j) procedures for the disposition of the Project or any part thereof;

(k) authorization for the exchange, interchange, wheeling, pooling and transmission of electric power and energy produced by any Project or Projects with any Utility or Utilities;

(l) the distribution of any excess electricity or output not required by any party for its own use to any Utility or Utilities;

(m) the arbitration of disputes between parties;

(n) methods for amending the contract;

(o) methods for terminating the contract;

(p) any other matters which the parties may deem desirable in connection with the joint planning, financing, acquiring, improving, enlarging, leasing, owning, operating or maintaining any Project or Projects.

No contract entered into pursuant to the provisions of this section shall constitute a charge on the general credit or tax revenues of any Municipality in this State but shall be payable and dischargeable solely from the revenues derived by such Municipality from its interest in the Project, and if the contract so provides, also from the revenues of any electric distribution system which is owned by such Municipality and which system is furnished electricity by the Project.

**Section 4. Issuance of Bonds by Eligible Participant.** Each Eligible Participant is hereby authorized to issue its Bonds (a) for the purpose of financing the acquisition, construction, reconstruction, extension, enlargement, or improvement of its undivided interest in a Project or Projects, including the payment of all Project Costs in connection therewith, (b) for the purpose of refunding the principal of and interest on any of its bonds theretofore issued under this Act and then outstanding, whether or not such principal and interest shall have matured at the time of such refunding and the payment of any premiums and expenses in connection with such refunding or (c) for any combination of the above stated purposes. Any bonds issued under this section shall be made payable solely out of the revenues derived from the operation of the undivided interest of the Eligible Participant in the Project issuing the same or, if the Eligible Participant so elects, also from the revenues derived from the operation of any other electric distribution system or systems owned by it, provided such system or systems are furnished electricity by the Project. No such bonds shall constitute a charge on the general credit



or tax revenues of any Municipality. Prior to the issuance of any bonds under this section, the Governing Body of the Eligible Participant shall adopt authorizing proceedings containing a description of the bonds to be issued, including the total principal amount thereof, the maximum rate of interest to be borne thereby, the time and place of payment of the principal thereof and interest thereon and any other details respecting any such bonds as the Governing Body may deem advisable and that are not in conflict with the provisions of this Act. Bonds may be issued in one or more series, may bear such date or dates, mature at such time or times, bear interest at such rate or rates, be in such denomination or denominations, be in such form either coupon or registered or both, be executed in such manner, be payable in such medium of payment at such place or places, within or without the State, be non-redeemable or subject to such terms of redemption, with or without premium, and be subject to being declared or becoming due before the maturity date thereof as may be provided by the Governing Body in the proceedings authorizing their issuance. Such authorizing proceedings shall provide for the execution and delivery of the bonds of the Eligible Participant by its officers and in the manner therein designated. Any bonds may be sold at public or private sale in such manner and from time to time as may be determined by the Governing Body of the Eligible Participant to be most advantageous. The Eligible Participant may pay all expenses, premiums and commissions which its Governing Body may deem necessary or advantageous in connection with the issuance of the Bonds. All bonds issued under this section shall be construed to be negotiable instruments, although payable solely from a specified source. Prior to the preparation of definitive bonds any Eligible Participant may issue temporary bonds, with or without coupons, exchangeable for definitive bonds upon the issuance of the latter. The authorizing proceedings may provide for the issuance of bonds under a trust indenture, which may contain such provisions as the Governing Body may choose to insert therein regarding the duties and obligations of the Eligible Participant and the trustee under such trust indenture, the rights, remedies and privileges of the holders of the bonds and the coupons thereunto appertaining and of the trustee with respect to the undivided interest of the Project or Projects out of the revenues from which the bonds are payable, and with respect to such revenues. The trustee under such trust indenture may be any trust company or bank, either within or without the State, having the powers of a trust company in the United States. To further secure the payment of the principal of and interest on bonds issued hereunder, any Eligible Participant may enter into a contract or contracts binding itself for the proper application of the moneys borrowed hereunder, for the continued operation and maintenance of its undivided interest in any Project or Projects owned or to be acquired or constructed, leased, extended, enlarged or improved or any part thereof, for the imposition, alteration and collection of reasonable rates and charges for and the promulgation of reasonable regulations respecting any service furnished from such Project or Projects, for the disposition and application of the revenues of its undivided interest therein or for any part thereof and for any other acts or series of acts not inconsistent with the provisions of this Act for the protection of the holders of the bonds and interest coupons and the assurance that the revenues from its undivided interest in such Project or Projects will be sufficient to maintain the same in good repair and good operating condition, to pay all reasonable insurance thereon, to pay the principal of and interest on any bonds payable from such revenues, and to establish and maintain such reserves and funds as may be deemed appropriate for the protection of the holders

of the bonds and for the efficient operation of the Project or Projects. No bond or coupon issued pursuant to the provisions of this section shall constitute an indebtedness of any Municipality issuing the same within the meaning of any State constitutional provision or statutory limitation. It shall be plainly stated in each of the bonds issued by a Municipality hereunder that such bond has been issued under the provision of this Act, that such bond is payable solely from revenues as provided in this Act, and that such bond does not constitute an indebtedness of any Municipality within any constitutional provision or statutory limitation of the State.

**Section 5. Bond Anticipation Notes.** Any Eligible Participant may issue, from time to time, its negotiable notes in anticipation of the issuance of its bonds and to renew, from time to time, any such notes by the issuance of new notes, whether the notes to be renewed have or have not matured. An Eligible Participant may issue notes only to provide funds which would otherwise be provided by the issuance of its bonds. Any resolution or resolutions authorizing notes of an Eligible Participant or any issue thereof may contain any provisions which the Eligible Participant is authorized to include in any resolution or resolutions authorizing bonds and an Eligible Participant may include in any notes any terms, covenants, or conditions which it is authorized to include in any bonds. All notes shall be payable solely out of revenues which an Eligible Participant is herein authorized to pledge to its bonds and the principal proceeds from the sale of bonds in anticipation of the issuance and sale of which said notes have been issued.

**Section 6. Proceeds From the Sale of Bonds or Notes.** All moneys derived from the sale of any bonds or notes issued under this Act shall be used solely for the purpose or purposes for which the same are authorized, including the payment of all Project Costs and, in the case of bonds issued for the purpose of refunding outstanding bonds, any premium which it may deem necessary to pay in order to redeem or retire the bonds to be refunded. The treasurer or other officer designated by the Governing Body of the Eligible Participant shall give a receipt for the purchase price to the purchaser of any such bonds, which receipt shall be full acquittal to such purchaser and he shall not be under any duty to inquire as to the application of the proceeds of such bonds.

**Section 7. Rates, fees and charges.** An Eligible Participant is hereby authorized to fix and revise from time to time reasonable rates, fees and other charges for the use of and for the services furnished or to be furnished by any Project or parts thereof or interest therein owned, operated or maintained by such Eligible Participant. Such rates, fees and charges shall be so fixed and revised from time to time as to provide funds sufficient at all times (a) to pay the cost of maintaining, repairing and operating such Project or parts thereof or interest therein, (b) to pay the principal of and the interest on all bonds issued by the Eligible Participant under the provisions of this Act, as the same shall become due and payable, (c) to pay the cost of extension, enlargement, improvements and replacement to the Project, (d) to create and maintain such reserves for the foregoing purposes as may be provided in the resolution authorizing the issuance of the bonds or in an agreement securing such bonds, and (e) to make such other payments as the governing body of the Eligible Participant may determine. The Eligible Participant shall charge and collect the rates, fees and charges so fixed or revised and such rates, fees and charges shall not be subject to supervision or regulation by any commission, board, bureau, department, agency or official of the State.

**Section 8. Limitation on Joint Participation.** No liability incurred by a Municipality in the exercise of any power granted in this Act shall give rise to a charge on its general credit or tax revenues. No money or property supplied by any Eligible Participant for the planning, financing, acquisition, construction, operation or maintenance of any common facility shall be credited or otherwise applied to the account of any other joint owner, nor shall the undivided interest or share of any Eligible Participant in any common facility be charged, directly or indirectly, with any debt or obligation of any other joint owner or be subject to any lien as a result thereof; provided, however, the reasonable and necessary expenses of administration, operation, maintenance and repair of any jointly owned Project shall be a charge on the revenues of the entire Project.

**Section 9. Officers not Liable.** No officer of any Eligible Participant and no member of the governing body of any Eligible Participant and no person or persons acting on behalf of any Eligible Participant, while acting within the scope of their authority, shall be subject to any personal liability or accountability by reason of his or her carrying out any of the powers expressly or impliedly given in this Act.

**Section 10. Bonds are Legal Investments; Security for Deposits.** Bonds issued under the provisions of this Act are hereby made securities in which all public officers and bodies of this State, all political subdivisions, all insurance companies and associations, and other persons carrying on an insurance business, all banks, bankers, trust companies, savings banks, and savings associations, including savings and loan associations, building and loan associations, investment companies, and other persons carrying on a banking business, all administrators, guardians, executors, trustees and other fiduciaries and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of the State may properly and legally invest funds including capital in their control or belonging to them. The bonds are also hereby made securities which may be deposited with and shall be received by all public officers and bodies of this State and all political subdivisions thereof for any purpose for which deposit of the bonds or other obligations of this State is now or may hereafter be authorized.

**Section 11. The Provisions of this Act are Cumulative.** The provisions of this Act shall be deemed to provide additional and alternative methods for the doing of the things authorized thereby and shall be deemed and construed to be supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing. The issuance of bonds under the provisions of this Act need not comply with the requirements of any other law applicable to the issuance of bonds.

**Section 12. Freedom of Eligible Participants From Public Service Commission and Other State Supervision and Control.** Except as in this Act expressly otherwise provided, no proceeding, notice or approval shall be required for the acquisition of any property or project, Projects or interest therein, or the making of any loans or the issuance of any bonds or instruments in evidence thereof or as security therefor or the exercise by an Eligible Participant of any of the powers and authorities granted in this Act, any other law to the contrary notwithstanding. Every Eligible Participant and every Project, Projects or interest therein of an Eligible Participant and the rates and charges thereof shall be exempt from all jurisdiction of, and all regulation and supervision by, the Public Service Commission.

**Section 13. Exemption from Usury Laws.** Every Eligible Participant issuing bonds or notes under this Act is hereby exempted from the laws of the State governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 6 of Title 9 of the Code of Alabama of 1940, as amended.

**Section 14. Exemption From Competitive Bidding.** All contracts made by an Eligible Participant in the exercise of any power or authority granted in this Act shall be exempt from the provisions and requirements of Act No. 217 adopted at the 1967 Special Session of the Legislature of Alabama [Title 55, Sections 506, 507, 508 to 517, Code of Alabama, Recompiled 1958 Pocket Parts], as amended, which provides for competitive bids in connection with certain contracts.

**Section 15. Tax Exemption.** All property acquired by any Municipality or Electric Board in the exercise of any power granted by this Act and all income therefrom, all bonds, notes and other obligations issued by any Municipality or Electric Board under this Act and the interest thereon and all deeds, indentures and other documents executed by or delivered to any Municipality or Electric Board in connection with the exercise of any power under this Act shall be exempt from all state, county, municipal and other taxation in the State.

**Section 16. Power of Eminent Domain.** Every Eligible Participant is hereby granted all powers of eminent domain now or hereafter conferred on municipalities.

**Section 17. Liberal Construction.** This Act, being necessary for the welfare of this State and its inhabitants, shall be liberally construed.

**Section 18. Severability.** If any section of this Act or any part of any section, or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect any other section or the remaining part of such section or the application thereof to other persons or circumstances which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

**Section 19. Inconsistent Laws Inapplicable.** All laws and parts of laws, general, local or special, inconsistent with this Act are hereby declared to be inapplicable to the provisions of this Act.

**Section 20. Effective Date.** This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law."

## B

(1) DOES THE BILL CONTAIN MORE THAN ONE SUBJECT IN VIOLATION OF SECTION 45 OF THE CONSTITUTION?

We answer this in the negative.

The purposes of the "single subject" requirement Const. of Ala., 1901, §45, are generally stated as: (a) notification to the public of the nature of the pending legislation; (b) avoidance of fraud on the legislature by inadvertent passage of provisions not related to the title, and; (c) prevention of logrolling legislation. *Boswell v. State*, 290 Ala. 349, 276 So. 2d 592, appeal dismissed 414 U.S. 1118, 94 S. Ct. 855, 38 L. Ed. 2d 747 (1973). The title of a bill need not specify every provision contained. The "one subject" test of § 45 is satisfied when the bill's provisions are all

referable to and cognate of the subject of the bill. Boswell, *supra*; Opinion of the Justices, 275 Ala. 254, 154 So. 2d 12 (1963). We are of the opinion that there is but one general subject in the bill: Authorizing joint ownership by municipalities, electric cooperatives, and electric boards, of systems and facilities for the generation, transmission, transformation, and distribution of electric power and energy. In our opinion all provisions of the bill are referable to that subject.

(2) IS THE SUBJECT OF THE BILL CLEARLY EXPRESSED IN ITS TITLE, AS REQUIRED BY SECTION 45 OF THE CONSTITUTION?

We answer in the negative.

The general rules with respect to the "clear expression" requirement of Const. of Ala., 1901, § 45, are:

"\* \* \* when the title is so misleading and uncertain that the average legislator or person reading the same would not be informed of the purpose of the enactment, it is insufficient. \* \* \*" Pillans v. Hancock, 203 Ala. 570, 572, 84 So. 757 (1919).

"\* \* \* The title must be such, at least, as fairly to support or give a clew [clue] to the subject dealt with in the act, and unless it comes up to this standard, it falls below the constitutional requirements.' \* \* \*" Clutts v. Jefferson County Board of Zoning Adjustment, 282 Ala. 204, 210, 210 So. 2d 679 (1968). See also Ham v. State ex rel. Buck, 156 Ala. 645, 47 So. 126 (1908).

The intent of these rules is that the title inform legislators and the public of the content of a bill. This is so that legislators will not be misled in voting on a bill. These are pragmatic rules, no doubt recognizing the reality that legislators do not have time to read all bills in full. They must rely, to some extent, upon the title to inform them of a bill's provisions.

In one of the briefs filed, *amicus curiae*, it is stated:

"\* \* \* The title to the bill sufficiently discloses the contents to adequately apprise the legislature and the public of the matters which it covers. Anyone reading the title will be fully informed of its subject matter and scope."

We disagree. Section 16 of the bill grants every Eligible Participant all powers of eminent domain now or hereafter conferred on municipalities. Eligible Participants are defined as any Municipality, Electric Board, or Electric Cooperative. The bill's title does not mention the power of eminent domain. The bill's title does say that Eligible Participants may acquire electric systems by purchase or construction, and lease. The negative inference drawn from the title is that acquisition through eminent domain power is not provided for in the bill. However, § 45 of Const., 1901, is violated only when such an omission is misleading. It is misleading to omit from the title a reference to the grant of the power of eminent domain to all Eligible Participants? Title 37, § 507, confers the power of eminent domain on municipalities. Title 37, § 402 (18) gives the same power to Electric Boards. Thus it follows that as to these two Eligible Participants, § 16 of the bill is surplusage, and the omission from the title of reference to that power is not misleading.

Code of Ala., Tit. 18, § 33, confers on Electric Cooperatives the right

“\* \* \* to exercise the power of eminent domain in the manner provided by the laws of this state for the exercise of that power by corporations constructing or operating electric transmission and distribution lines or systems \* \* \*”

Code of Ala., Tit. 10, § 71, states in part:

“Corporations formed for the purpose of constructing, operating, or maintaining \* \* \* electric works \* \* \* power companies \* \* \* may exercise the power of eminent domain in the manner provided by law.”

However, as to rights of way, tit. 10, § 71, must be read in conjunction with Code of Ala., Tit. 10, § 75. The latter section reads in part:

“\* \* \* electric, power \* \* \* companies, and all other companies formed for constructing, operating, or maintaining any work of internal improvement or public utility, may acquire by condemnation for a right-of-way for their \* \* \* lines \* \* \* dams \* \* \* lands for ways and rights-of-way not exceeding one hundred feet in width \* \* \* together with the necessary lands, other than lands for ways and rights-of-way, for the construction or installation of facilities, apparatus or equipment necessary for the operation of \* \* \* lines \* \* \* dams \* \* \*” (emphasis added)

Code of Ala., Tit. 37, § 507, contains no limitation on the width of property which may be condemned by a municipality. Therefore by Section 16 of the bill, the power of condemnation granted Electric Cooperatives is enlarged. No reference to this enlargement of the right of eminent domain is found in the title to the bill. We are of the opinion such omission contravenes Const. of Ala., 1901, § 45.

Section 9 of the bill immunizes, from personal liability, officers of Eligible Participants, members of governing bodies of Eligible Participants, and all agents of Eligible Participants for acts within the scope of their authority when carrying out any power (express or implied) granted in the bill. This expansive grant of immunity is not spelled out in the title. By reason of *Jackson v. City of Florence*, 9 ABR 1540 (1975), it cannot be presumed that the grant of such immunity to municipal officers and employees is mere surplusage. We are of the opinion this omission violates § 45.

The last sentence of Section 11 of the bill states:

“\* \* \* The issuance of bonds under the provisions of the Act need not comply with the requirements of any other law applicable to the issuance of bonds.”

The title makes no reference to this exemption. Section 10 of the bill makes these bonds “securities.” Thus the bill exempts the issuance of these bonds from the provisions of the Blue Sky Laws, Code of Ala., Tit. 53, § § 28-29, 36-53. (certain securities are exempt from the requirements of Tit. 53, § § 30-35, when issued by a subdivision of the state or by regulated utilities). Moreover, the immunity from personal liability granted in Section 9 of the bill insulates those described in that section from the effect of Code of Ala., Tit. 53, § § 28, 44. These immunities, their extent and scope, are not mentioned in the bill’s title. This omission violates § 45, Const. of 1901.

Section 12 of the bill reads:

“Except as in this Act expressly otherwise provided, no proceedings, notice or approval shall be required for the acquisition of any property or

Project, Projects or interest therein, or the making of any loans or the issuance of any bonds or instruments in evidence thereof or as security therefor or the exercise by an Eligible Participant of any of the powers and authorities granted in this Act, any other law to the contrary notwithstanding. \* \* \*

This exemption from proceedings, notice or approval, required by statutes, is not referred to in the title. Code of Ala., Tit. 19, sets forth the required procedures for the condemnation of lands. These include a judicial proceeding and notice to the landowner. Code of Ala., Tit. 19, § 4, 7, 10. Section 12 of the bill would not require compliance with those statutes. Omission of reference to this from the title violates § 45, Const., 1901.

While not requested to do so we conceive it our duty to point out that Section 12 of the bill allows acquisition of property without notice except as the Act provides. The Act does not provide for any notice. We observe that Const., 1901, § 13, provides that every person shall have a remedy " \* \* \* for any injury done him, in his lands \* \* \*" by due process of law. When governmental action affects individual property rights, due process mandates hearings such as provided in Tit. 19.

(3) DOES THE BILL VIOLATE THE PROVISIONS OF SECTION 94 OF THE CONSTITUTION?

(4) DO THE PROVISIONS OF THE BILL AUTHORIZING A MUNICIPALITY TO EXERCISE ANY ONE OR MORE OF THE POWERS, RIGHTS AND PRIVILEGES CONFERRED BY THE BILL JOINTLY OR IN COMMON WITH ONE OR MORE OTHER PARTIES, CORPORATIONS, COOPERATIVES OR AUTHORITIES, PUBLIC OR PRIVATE, TO OWN AN UNDIVIDED INTEREST IN ELECTRIC GENERATING, TRANSMISSION, TRANSFORMATION AND DISTRIBUTION FACILITIES WITH SUCH OTHER PARTIES, TO ENTER INTO CONTRACTS WITH RESPECT THERETO WITH SUCH OTHER PARTIES, TO DESIGNATE ONE OR MORE OF SUCH OTHER PARTIES AS AN AGENT AND TO DELEGATE ITS POWERS AND DUTIES TO SUCH AGENT VIOLATE SECTION 94 OF THE CONSTITUTION?

We answer in the negative.

Constitution, 1901, § 94, was designed to prevent the expenditure of public funds in aid of private individuals or corporations by reason of which a pecuniary liability, a debt of the municipality, is incurred. Opinion of the Justices, 256 Ala. 162, 53 So. 2d 840 (1951). Electric Boards and Electric Authorities are not political subdivisions of this State; therefore § 94 does not apply. Municipalities are subdivisions of this State. The bill authorizes municipalities to enter into joint Projects with other Eligible Participants, a Municipal Electric Authority, the State, the United States of America, any other state or agency of either of them, or any public or private corporation lawfully created. The bill specifically provides for the cost of such Projects to be financed solely out of revenues derived from the Projects. No part of the Project costs are to be a charge on the general credit or tax revenues of any municipality. For these reasons § 94 is not violated. *Newberry v. City of Andalusia*, 257 Ala. 49, 57 So. 2d 629 (1952). Nor is § 94 violated when the transaction is between a municipality and an agency of the State. *Rogers v. City of Mobile*, 277 Ala. 261, 169 So. 2d 282 (1964).

“When a contract of a public body is an ordinary commercial contract, with benefits flowing to both parties and a consideration on both sides, it is not a lending or credit by the public body. \* \* \*” Rogers, *supra*.

(5) DOES THE BILL VIOLATE THE PROVISIONS OF SECTION 93 OF THE CONSTITUTION?

We answer in the negative.

The inhibitions of Const., 1901, § 93, have reference solely to the State as an entity distinct from its political subdivisions. *Edmonson v. State Industrial Development Authority*, 279 Ala. 206, 184 So. 2d 115 (1966).

(6) DOES THE BILL VIOLATE SECTION 222 OF THE CONSTITUTION BY AUTHORIZING A MUNICIPALITY TO ISSUE ITS BONDS WITHOUT AN ELECTION OF THE QUALIFIED VOTERS OF SUCH MUNICIPALITY?

We answer in the negative.

Alabama Const., 1901, § 222, does not apply to bonds issued without an election of the qualified voters of a municipality when the bonds are payable solely out of revenues from a new project to be constructed with the proceeds from those bonds. Rogers, *supra*; Opinion of the Justices, 280 Ala. 692, 198 So. 2d 269 (1967).

(7) DOES THE BILL VIOLATE SECTION 225 OF THE CONSTITUTION BY AUTHORIZING A MUNICIPALITY TO ISSUE ITS BONDS AND NOTES, TO ENTER INTO CONTRACTS AND TO INCUR LIABILITIES WITHOUT REGARD TO THE LIMITATION OF INDEBTEDNESS PRESCRIBED BY SAID SECTION 225?

We answer in the negative.

Bonds payable solely out of revenue from the project to be financed are not the bonds contemplated by Const., 1901, § 255, as they do not create a debt of the municipality. Newberry, *supra*.

(8) DO THE PROVISIONS OF THE BILL AUTHORIZING A MUNICIPALITY TO PLEDGE THE REVENUES OF ANY EXISTING ELECTRIC SYSTEM OWNED BY IT TO ITS BONDS OR NOTES ISSUED TO ACQUIRE AN UNDIVIDED INTEREST WITH OTHERS IN AN ELECTRIC SYSTEM OR FACILITY VIOLATE SECTION 225 OF THE CONSTITUTION BY PERMITTING THE ISSUANCE OF BONDS AND NOTES WITHOUT REGARD TO THE LIMITATION OF INDEBTEDNESS PRESCRIBED BY SAID SECTION 225?

(9) DO THE PROVISIONS OF THE BILL AUTHORIZING A MUNICIPALITY TO PLEDGE THE REVENUES OF ANY EXISTING ELECTRIC SYSTEM OWNED BY IT TO ITS BONDS ISSUED TO ACQUIRE AN UNDIVIDED INTEREST WITH OTHERS IN AN ELECTRIC SYSTEM OR FACILITY VIOLATE SECTION 222 OF THE CONSTITUTION BY PERMITTING THE ISSUANCE OF BONDS WITHOUT AN ELECTION OF THE QUALIFIED VOTERS OF SUCH MUNICIPALITY?

We answer in the affirmative.

Prior to the passage of Amend. CVII (107), Const., 1901, our law was clear to the effect that a pledge of income from an existing revenue



producing system, owned by a municipality, to the payment of bonds to finance a new system was impermissible under Ala. Const., 1901, § § 222, 225, unless such pledge of revenue was necessary to complete a system. *Williams v. Water Works and Sanitary Sewer Board*, 261 Ala. 460, 74 So. 2d 815 (1954); *Fuller v. City of Cullman*, 248 Ala. 236, 27 So. 2d 203 (1946):

Amendment CVII provides:

**“ISSUANCE OF REVENUE BONDS AND OTHER REVENUE SECURITIES BY MUNICIPALITIES”**

“Revenue bonds and other revenue securities at any time issued by a municipality for the purpose of extending, enlarging or improving any water, sewer, gas or electric system then owned by such municipality shall not be deemed to constitute bonds or indebtedness of such municipality within the meaning of sections 222 and 225 of this Constitution if by their terms such bonds or other securities are not made a charge on the general credit or tax revenues of the issuing municipality and are made payable solely out of revenues derived from the operation of any one or more of such systems.”

It is argued that this amendment sanctions the provisions of the bill permitting pledge of income from existing municipal owned electric systems to payment of bonds issued to acquire an undivided interest with others in an electric system or facility. The pledge provision (Section 4 of the bill) allows a municipality, if it so elects, to pledge revenue to the payment of bonds issued to finance the system from “the operation of any other electric distribution system or systems owned by it, provided such system or systems are furnished electricity by the Project.” By this provision the bill attempts to bring the pledge within the operative ambit of Amend. CVII which allows pledge of revenues from an existing system to extend, enlarge, or improve that system and avoid the effect of § § 222, 225, Const., 1901.

In *Chamberlain v. Board of Commissioners of City of Mobile*, 243 Ala. 662, 11 So. 2d 724 (1943), this court upheld a pledge of Bankhead Tunnel tolls to the payment of bonds issued to make necessary improvements for the tunnel system. Since, in that case, the tolls could never become subject to the use of the city for its general purposes, or a part of its general purpose fund, without subsequent legislative action, this court, on the facts of that case, held that the pledge did not violate § § 222 or 225, Const., 1901, even though the tunnel itself was complete.

The bill we are discussing, would authorize bonds to be issued to finance creation of a new “Project” in part owned by a municipality, its undivided interest in which might be paid for by conveyance of an already existing facility owned by such municipality. No stretch of imaginative legal reasoning could lead one to conclude that this process was an extension, enlargement, or improvement of a “then owned” municipal electric system as contemplated by Amend. CVII.

This opinion is that of the individual justices who sign it, entirely advisory and binds no one. The opinion is strictly limited to specific answers to constitutional questions within the narrow confines of those questions as posed by Senate Resolution 58 of 22 July 1975. No opinion is

intended as to other constitutional questions that may be posed by Senate Bill No. 862 about which no questions were asked in the resolution.

Respectfully submitted,  
JAMES H. FAULKNER  
ERIC EMBRY

We concur in the answers to Questions (1)-(7), inclusive.

As to Questions (8) and (9) we opine that these questions should be answered in the negative—that is, the stated provisions of the Bill do not contravene either section 222 or section 225 of the Constitution in our judgment.

Amendment CVII [107] of the Constitution expressly provides that revenue bonds and other revenue securities issued by municipalities “for the purpose of extending, enlarging or improving any water, sewer, gas or electric system then owned by such municipality shall not be deemed to constitute bonds or indebtedness of such municipality within the meaning of sections 222 and 225 of this Constitution if by their terms such bonds or other securities are not made a charge on the general credit or tax revenues of the issuing municipality and are made payable solely out of revenues derived from the operation of any one or more of such systems.” [Emphasis ours.]

Under the express terms of the Bill in question [S. B. 862], no bonds issued under the Act shall constitute a charge against the general credit or tax revenues of the municipality. The bonds must be made payable solely from revenues from the interest of the municipality in the project or, at the election of such municipality, also from revenues derived from the operation of its entire electrical system. Thus, such bonds are not charges against the municipality’s credit.

We are of the opinion that such generating facilities, as may be planned, financed, developed, acquired, constructed, improved, enlarged, owned, operated and maintained, under the Act, fall within the ambit of Amendment CVII [107] being for the purpose of “extending, enlarging, or improving” such system or systems.

Thus, Amendment CVII [107] of the Constitution exempts revenue bonds, issued for the purpose of “extending, enlarging or improving” such systems, from the provisions of sections 222 and 225, if by their terms they are not made a charge on the general credit of the municipality but are made payable solely out of revenues from the operation of the system. The Act in question so provides.

We would add that we do not consider the case of *Chamberlain v. Board of Commissioners of City of Mobile*, 243, Ala. 662, 11 So. 2d 724 (1943) to require a different result. To the contrary, we consider it supports our conclusion. In that case this Court held that street improvements, overpasses and underpasses constituted “extensions” of the then

completed Bankhead Tunnel so as to permit financing their cost by the issuance of revenue bonds payable from tunnel revenues.

Respectfully submitted,  
PELHAN J. MERRILL,  
JAMES N. BLOODWORTH,  
RENEAU P. ALMON,  
JANIE L. SHORES,  
Associate Justices.

A majority of the justices opine that the subject of the Bill is not clearly expressed in its title, as required by Section 45 of Alabama's Constitution. We disagree with this opinion.

We realize that it is difficult to lay down a fixed and definite rule which will clearly mark the dividing line between what is and what is not violative of Section 45 [*Lovejoy v. Montgomery*, 180 Ala. 473, 61 So. 597 (1913)], but we think that the title in this Bill meets all constitutional requirements. These are our reasons. Since at least as early as the case of *Lockhart v. City of Troy*, 48 Ala. 579 (1872), where the title read, "An Act to Establish a Charter for the City of Troy, in Pike County," this Court has held that "[t]he title need not be an index to the Act; nor need it state a catalog of all the powers intended to be bestowed." We have not gone through all of this Court's cases construing Section 45, but in at least two cases involving adversary proceedings, this Court held valid titles to acts which did not list or catalog that the authorities created by the acts had the power of eminent domain. In *Brammer v. Housing Authority of Birmingham District*, 239 Ala. 280, 195 So. 256 (1940), then Chief Justice Anderson wrote:

"As we understand, the title and main or chief subject of the act is the 'Housing Authority Act' and think that the other things and authority thereby conferred or provided are germane or cognate to the title subject. If the object or subject is stated generally in the title and the law embraces matter relevant and pertinent thereto and said title is not used in a restrictive sense, the details incident to the accomplishment of the object and purpose of the act will not render it obnoxious to Section 45. *State v. Price*, 50 Ala. 568; *State ex rel. Bragg v. Rogers et al.*, 107 Ala. 444, 19 So. 909, 32 L.R.A. 520; *Alabama State Bridge Corporation v. Smith*, 217 Ala. 311, 116 So. 695; *Rogers v. Garlington*, 234 Ala. 13, 173 So. 372; *Jefferson County v. City of Birmingham*, 235 Ala. 199, 178 So. 226; *Harris v. State ex rel. Williams*, 228 Ala. 100, 151 So. 858; *Mitchell, Judge v. State ex rel. Florence Dispensary and Powers v. Mayor and Aldermen of the City of Florence*, 134 Ala. 392, 32 So. 687; *Dearborn v. Johnson*, 234 Ala. 84, 173 So. 864."

More recently, in *Knight v. West Alabama Environmental Improvement Authority*, 287 Ala. 15, 246 So. 2d 903 (1971), this Court considered the question of whether Act No. 1117, Acts, 1969, violated Section 45, because there were some powers granted the Authority in the body of the Act which were not mentioned in the title. This Court said:

"Among other provisions, Section 45 of the Constitution says that each law enacted by the legislature 'shall contain but one subject, which shall be clearly expressed in its title.'

"The title to Act No. 1117 does not make any expressed reference to the provisions of Sections 3, 8 (7) and 8 (9) of the Act which set forth detailed purposes and powers of such public corporations and authorize said public corporations to render financial assistance to industries and private corporations and the provisions of Section 8 (1) which authorize the public corporations to engage in works of watershed improvements.

"A lucid discussion of this constitutional provision is found in Opinion of the Justices, 275 Ala. 254, 154 So. 2d 12, wherein the following language appears:

"(2) One of the purposes of the requirement of Section 45, supra, that the subject of a law shall be clearly expressed in the title, is to prevent surprise or fraud upon the legislature by incorporating in bills provisions not reasonably disclosed by its title, and which might be overlooked, and unintentionally approved in enacting the bill. Opinion of the Justices, 247 Ala. 195, 23 So. 2d 505. Another purpose is to fairly apprise the public of the import of the legislature so they may be heard. *Grayson v. Stone*, 259 Ala. 320, 66 So. 2d 438.

"(3) However, this Court is committed to the principle that this requirement as to clear expression of the subject of a bill in the title is not to be exactly enforced in such manner as to cripple legislation, or is it to be enforced with hypercritical exactness, but is to be accorded a liberal interpretation. *Kendrick v. Boyd*, 255 Ala. 53, 51 So. 2d 694; *Taylor v. Johnson*, 265 Ala. 541, 93 So. 2d 143.

"(4) When the subject of a bill is expressed in general terms in the title everything which is necessary to make a complete enactment in regard to it, or which results as a complement of the thought contained in the general expression, is included in and authorized by it. *Dearborn v. Johnson*, 234 Ala. 84, 173 So. 864.'

"This Court in *Yielding v. State ex rel. Wilkinson*, 232 Ala. 292, 167 So. 580, held that a statute has but one subject, no matter to how many different matters it relates if they are all cognate, and but different branches of the same subject."

In each case, the authorities were given the power of eminent domain and this grant of power was set out in the body of the Act but was not set out in the title. Consequently, we cannot agree with the views stated by the Justices that the subject of the Bill is not clearly expressed in its title.

We concur in the answers to questions numbered (1), (3), (4), (5), (6) and (7) contained in the portion of this advisory opinion signed by Justices Faulkner and Embry.

We agree with the answers to questions numbered (8) and (9) contained in that portion of the advisory opinion signed by Justices Merrill, Bloodworth, Almon and Shores.

HOWELL T. HEFLIN,

Chief Justice.

HUGH MADDOX,

Associate Justice.

I, J. O. Sentell, Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the

instrument(s) herewith set out as same appears of record in said Court.

Witness my hand this 5 day of Sept. 1975.

J. O. SENTELL,  
Clerk, Supreme Court of Alabama.

### OPINION RENDERED

The foregoing opinion of the Supreme Court of Alabama relative to the Bill, S. B. 862, was read and ordered spread upon the Journal.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Hines, Dial, Cooper, Quarles, Lee, Morris, Smith (C), Crowe, Barron, Harris, Venable, Wyatt, Smith (J), Warren, McCulley, Malone, Leonard, Carothers, Killian, Sasser, Johnson, Clark, Johnstone, Pegues, Manley, Owens and Kinsey:

H. 169. Regulating further the licensing of motor vehicles, to provide for the issuance of semi-permanent license plates with a tab or other device indicating the payment of the license tax for the current year.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 169. To the Committee on Commerce, Transportation, and Utilities.

### RESOLUTION

Mr. Owen offered the following Senate Joint Resolution, to-wit:

S. J. R. 117. TO ESTABLISH A JOINT INTERIM STUDY COMMITTEE TO INVESTIGATE ALLEGATIONS WITH RESPECT TO THE FAIRHOPE SINGLE TAX CORPORATION.

WHEREAS, the Fairhope Single Tax corporation located in Baldwin County is a unique entity in this State and accorded certain statutory privileges; and

WHEREAS, allegations have been made by certain citizens of this State that their lessee rights have been prohibitively restricted, that there has been a drastic increase in the rental rates of the land leased by said corporation, and that the formula to arrive at the fair rental value is unequally applied; and

WHEREAS, there have been allegations that confusion exists with respect to the responsibilities and services of the Corporation and the county governing body; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,  
BOTH HOUSES THEREOF CONCURRING:

1. That there shall be a joint interim study committee to investigate and make a careful study of any and all allegations with respect to the single tax corporation of Fairhope, its successors, assigns, or lessees, and shall submit its findings together with its recommendations to the Legislature by the fifth day of the next regular session of the Legislature. The Committee shall be composed of 3 house members and 2 senate members to be appointed by the Speaker of the House and the Lieutenant Governor, respectively. The Committee shall have the authority to issue subpoenas, conduct hearings, and examine witnesses under oath.

2. The Committee shall elect a Chairman and Vice Chairman. The Chairman of the Committee, or, in his absence the Vice Chairman, shall set the schedule and program for Committee work. Members shall receive the regular per diem pay and allowances provided for legislators for each day spent on Committee business. The pay and expenses of the Committee shall be paid from funds appropriated to the use of the Legislature in accordance with Title 32, Section 13, Code of Alabama, 1940.

Which was read and referred to the Standing Committee on Rules.

#### FURTHER CONSIDERATION OF H. B. 899

The Senate proceeded to further consideration of the Bill, H. B. 899. The question was on the Stewart amendment to the substitute for the Bill.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Crowe:

H. 1668. To provide for branch banking in Winston County.

With notice and proof thereto attached and herewith exhibited as follows:

#### NOTICE

Notice is hereby given that at the Regular 1975 Session of the Legislature of Alabama a bill substantially as follows will be introduced and application for its passage and enactment will be made, that is to say:

#### A BILL TO BE ENTITLED AN ACT

To provide for branch banking in Winston County.

Be It Enacted by the Legislature of Alabama:

Section 1. Any bank having its principal place of business or a branch bank in Winston County may with the approval of the Superintendent of Banks of the State of Alabama establish, maintain and operate one or more branches for the transaction of the banking business at any place in Winston County.

Section 2. This Act shall be effective immediately upon its approval by the Governor or upon its otherwise becoming a law.

### PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF WINSTON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Don Thrasher, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Northwest Alabamian, a newspaper of general circulation published in Winston County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 19, May 26, June 2, and June 9, all in the year 1975.

DON E. THRASHER.

Sworn to and subscribed before me June 23, 1975.

MILDRED GREGG,  
Notary Public.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 1668. To the Committee on Local Legislation No. 1.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Gafford:

H. 43. To provide for the reopening of the Employees' Retirement System of Alabama to those employees who were in service on October 1, 1974, who declined membership at the time of establishment, and to those who have non-membership service but who later joined the Employees' Retirement System; also reopens said System to employees who were in service on October 1, 1974, who have creditable service for which they are ineligible to gain credit for reasons other than non-membership; also to provide a redetermination of benefits for members retired prior to October 1, 1975; and further to provide for necessary and proper appropriations.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message

from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 43. To the Committee on Finance and Taxation.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Merrill, Plaster, Kinsey, Wyatt, McCluskey, Biddle, Dial, Roberts, Burgess, Carter, Owens, Sasser, Martin, McCulley, Crowe, Howard, Gafford, Teague, McNair, Cooper, Whatley, Sonnier, Naramore, Sparks, Robertson, Coburn, Warren, Falkenburg, Holley, Greer, Quarles, Harris, Brindley, Morris, Starkey, Waggoner, Hill, Lee, Clark, Shelton, Moore (O), Jolly, Trammell, Armstrong, Smith (C), Weeks, Baker, Barron, McNees, Lutz, LeFlore, Boles, Johnson, Cross, Ford, Mitchem, Turnham, Drake, Carothers, Callahan, Rich, Williams and Folmar:

H. 97. In addition to any law or part of any law contained and appearing in Chapter 14 of Title 52 of the Code of Alabama 1940, as amended, which relates to the Teachers' Retirement System of Alabama, to provide for the retirement under the Teachers' Retirement System of any teacher, regardless of age, who is a member of the Teachers' Retirement System, and, who has thirty years of creditable service; also provides for a clarification of the corporate powers of the Retirement Systems of Alabama; and to provide for necessary and proper appropriations.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 97. To the Committee on Finance and Taxation.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 185. Regulating further the licensing of motor vehicles, to provide for the issuance of semi-permanent license plates with a tab or other device indicating the payment of the license tax for the current year.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. McMillan, the Senate concurred in and adopted the



following House amendment to the Bill, S. B. 185, the title of which is set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR SENATE BILL 185

A BILL  
TO BE ENTITLED  
AN ACT

Regulating further the licensing of motor vehicles, to provide for the issuance of semi-permanent license plates with a tab or other device indicating the payment of the license tax for the current year.

Be It Enacted by the Legislature of Alabama:

Section 1. License tags or plates issued upon payment of the license fee prescribed by law for motor vehicles for the fiscal year beginning October 1, 1976, shall be designed and constructed in such a way that the digits indicating the year of issuance may be removed, covered up, or obliterated by affixing thereto a tab, disc, or other device bearing digits indicating another fiscal year. Tags or plates shall not be issued annually to evidence the payment of motor vehicle license taxes for years subsequent to the fiscal year beginning October 1, 1976. In lieu thereof, tabs, discs, or other devices suitable for attaching to a motor vehicle tag or plate shall be issued upon the payment of the annual license tax prescribed for such vehicle by law, and, when duly affixed to the license plate, such tab, disc, or other device shall be evidence of the payment of the license fee due for the fiscal year indicated hereon. The license plate itself shall be valid for five years and shall be replaced or renewed at the end of that period. The commissioner of revenue shall prescribe the type or kind, the size and style of license plates, tabs, discs, or other devices hereby required. However, the tags, discs, or devices produced for the year 1977 shall be designed and constructed to conform with the recommendation of the American Association of Motor Vehicle Administration. The face of the license plate to be displayed shall be fully treated with a retroreflective material which will increase the nighttime visibility and legibility of the plate. The first issue of this 5 year tag shall be of a type graphically depicting our nation's 200th anniversary.

Section 2. This act is supplemental to other laws of this state requiring the licensing of motor vehicles and shall be construed in pari materia with all such laws. Wherever the words "license tag" or "license plate" appear in any such law these words shall be construed to mean the license plate with the appropriate license tab, disc, or other device affixed thereto to indicate the proper license year, as required by this act. However, any provision of such other laws in conflict herewith is hereby repealed.

Section 3. The Board of Corrections is hereby directed to furnish the revalidation tags in each year at a cost no less than that experienced in producing tags, discs, or devices for the year 1976.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 23; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, King, Little, McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, Stewart, Vacca.

—23

*Nays:*

—0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Owens, Merrill, Biddle, McCluskey, Wyatt, Plaster, McNair, Kinsey, Roberts, Burgess, Dial, Carter, Sasser, Martin, McCulley, Crowe, Howard, Gafford, Teague, Cooper, Sonnier, Waggoner, Naramore, Sparks, Robertson, Coburn, Higginbotham, Warren, Falkenburg, Holley, Greer, Quarles, Harris, Brindley, Morris, Starkey, Hill, Lee, Clark, Shelton, Moore (O), Jolly, Trammell, Armstrong, Smith (C), Weeks, Smith (M), Baker, Venable, Barron, McNees, Lutz, LeFlore, Boles, Johnson, Cross, Folmar, Ford, Mitchem, Turnham, Drake, Carothers, Callahan, Williams and Malone:

H. 198. To amend further Section 366 of Title 52 of the Code of Alabama 1940, as amended, which relates to the Teachers' Retirement System of Alabama, so as to provide for 2.0125% formula in calculating retirement benefits and to provide for the removal of the 80% of average final compensation restriction on retirement benefits; also provides for a redetermination as of October 1, 1975; also provides for a clarification of the corporate powers of the Retirement Systems of Alabama; and further provides for necessary and proper appropriations.

Also:

By Messrs. Owens, Merrill, Biddle, McCluskey, Wyatt, Plaster, Kinsey, Coburn, Burgess, Roberts, Waggoner, Dial, Carter, Sasser, Martin, McCulley, Gafford, Crowe, Howard, McNair, Teague, Smith (M), Cooper, Sonnier, Naramore, Sparks, Robertson, Warren, Falkenburg, Holley, Greer, Quarles, Harris, Brindley, Morris, Starkey, Hill, Lee, Clark, Shelton, Moore (O), Jolly, Trammell, Armstrong, Smith (C), Weeks, Baker, Venable, Barron, McNees, Lutz, LeFlore, Boles, Johnson, Cross, Ford, Mitchem, Turnham, Drake, Carothers, Callahan, Manley, Folmar, Williams, Higginbotham and Malone:

H. 199. To provide that in the event Section 366 of Title 52 of the Code of Alabama 1940, as amended, provides, at the time this Act becomes effective, that the formula factor for computing teachers' retirement benefits shall be 2.0125%, then any retired teacher and/or any teacher who retires hereafter, who does not receive a 15% net gain in retirement benefits by operation of the formula increase, shall receive an additional amount which shall be sufficient, when added to result in a "post-formula increase" net gain in benefits equal to, but not exceeding, 15% of such member's prior benefit entitlements; also to provide for all necessary and proper appropriations.

Also:

By Messrs. Naramore, Robertson, Burgess, Crawford, Turnham, Riddick, Carter, Folmar, Barron, Callahan, Crowe, Warren, Weeks, Manley, Plaster, Coburn, Merrill, Owens, McNair, Waggoner, Smith (C), McCorquodale and Glass:

H. 38. To provide for the transfer to the Teachers' Retirement System of Alabama of all janitors, maids, cafeteria workers, and any other full time employees in public education covered under Section 12 of Act No. 515 of the 1945 Act, as amended, regardless of in what manner or on what basis paid; To provide for the eligibility and mandatory enrollment in the Teachers' Retirement System of Alabama of all persons hereafter assuming full time employment in public education; to provide for a six month period from the effective date of this Act in which any person in any of the aforementioned classifications who are not now members of the Employees' Retirement System under Section 12 of Act No. 515 of the 1945 Act, as amended, may decline to become a member of the Teachers' Retirement System by filing a written notice. Provide for credit of service prior to effective date of this Act for any persons in a hereinabove named classification who are not members of the Employees' Retirement System; And further to provide for necessary and proper appropriations to carry out the purpose of this Act.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. B.'s 198, 199 and 38. To the Committee on Finance and Taxation.

#### FURTHER CONSIDERATION OF H. B. 899

The Senate proceeded to further consideration of the Bill, H. B. 899. The question was on the Stewart amendment to the substitute for the Bill.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 464. To further amend Section 89, Title 36, Code of Alabama 1940, as amended, which section regulates the size of motor vehicles allowed to travel on the public highways of this state, so as to further regulate the size of certain motor vehicles.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Turnham:

H. 40. To further amend Section 364 of Title 52 of the Code of Alabama 1940, as amended, which relates to credit for military service and to provide for necessary and proper appropriations to carry out the provisions of this Act.

Also:

By Messrs. Wyatt, Plaster, Carter, Kinsey, Higginbotham, Roberts, Campbell, Dial, Sasser, McCulley, Hill, Naramore, Owens, Warren, Robertson, Drake, Smith (J), Malone, Mitchem, Moore (O), Baker, Reed, Smith (C), Lewis, Holmes, LeFlore, Kennedy, Sonnier, Sandusky, Biddle, Shelton and Merrill:

H. 191. To establish a pension fund for Alabama fire fighters to be known as the Alabama Fire Fighters Pension Fund; to prescribe conditions for joining, withdrawing from, and continuing membership in the fund; to regulate the payment of pensions and benefits from the fund; to provide for the management and administration of the fund by a board of trustees; to prescribe the membership of the board, to provide for the election and terms of office of members thereof, and prescribe their powers and duties; to establish the office of secretary-treasurer of such board, provide for his employment, his salary, and his bond; and for the purpose of financing the fund to levy and provide for the collection of an additional tax on insurers against fire, lightning, and related hazards in fire protected areas, to fix membership dues, and authorize gifts, contributions and donations to the fund.

Also:

By Messrs. Crowe, Morris and Merrill:

H. 948. To further amend the Code of Alabama 1940, Title 5, Section 81, which relates to legally required reserves of banks within the state, so as to add penalties for the violation thereof.

Also:

By Messrs. Crowe, Morris and Merrill:

H. 949. To authorize the Superintendent of Banks to expand the banking powers of Alabama banks or the powers of Alabama savings and loan associations or the powers of Alabama credit unions; to provide that any such additional powers shall not in the case of banks authorize activities which are not properly incident to the business of banking, and in the case of savings and loan associations or credit unions that such additional powers shall not authorize them to offer financial services now prohibited to them; to provide that no bank, savings and loan association and no credit union having their principal place of business outside of Alabama may engage in any such activities in Alabama unless the Superintendent of Banks and the appropriate regulatory authority outside of Alabama have entered agreements authorizing Alabama and non-Alabama institutions to exercise in Alabama and in such other jurisdiction reciprocal rights; to authorize the Superintendent of Banks to issue appropriate regulations; and to require Alabama banks, Alabama savings and loan associations, Alabama credit unions and any similar foreign entity to secure prior written permission of the Superintendent of Banks before exercising such additional powers in Alabama; to provide that the

provisions of this Act are cumulative and severable; and to provide for an effective date.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B.'s 40 and 191. To the Committee on Finance and Taxation.

H. B.'s 948 and 949. To the Committee on Banking.

### FURTHER CONSIDERATION OF H. B. 899

The Senate proceeded to further consideration of the Bill, H. B. 899. The question was on the Stewart amendment to the substitute for the Bill.

And said amendment was then lost.

On motion of Mr. Fine, further consideration of the Bill, H. B. 899, and pending substitute, was postponed until the next Legislative Day as Unfinished Business.

### SPECIAL ORDER

#### BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount and continuing order of business for today, the first of which was the Bill:

S. 365. To amend Article X, Section 10.1 of Act No. 404, S. 430, Regular Session 1953 (Acts 1953, p. 472) providing for the Council-Manager form of government in cities having a population of not less than 30,000 nor more than 33,000 according to the most recent federal decennial census, so as to provide that the question of the abandonment of the Council-Manager form of government may not be re-submitted within two years after any other election thereon.

And said Bill, S. B. 365, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Givhan, Jones, King, Little, Littleton, Mims, Mitchell, Noonan, Owen, Perry, Powell, Roberts, St. John, Stewart, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 387. Providing that the Probate Judge of Randolph County shall appoint one or more regular clerks in the probate office as deputy

registrars empowered to take applications for voter registration at any time the probate office is open for business.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, Little, McDonald (A), McDonald (S), McMillan, Owen, Pearson, Perloff, Perry, Powell, Roberts, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 407. To alter, re-arrange and extend the boundaries of the Town of Kinsey, in Houston County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (S), McMillan, Mims, Mitchell, Noonan, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Wilson.

—25

*Nays:*

—0

The Bill:

S. 410. To provide for expense allowances for the Circuit Judges of the Twentieth Judicial Circuit to defray expenses in the performances of their official duties.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop.

—25

*Nays:*

—0

The Bill:

S. 436. Relating to Autauga County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any

type crime and sentenced to a term of confinement in certain jails of the county, and providing for a rehabilitation board to supervise and administer the rehabilitation process of this Act; to provide further for the carrying out of the provisions of this Act; and to provide penalties for violation of this Act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Givhan, King, Little, Littleton, McDonald (A), McDonald (S), Mitchell, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 497. Relating to the third judicial circuit of Alabama; to provide for an additional secretarial assistant for the office of district attorney of said judicial circuit.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 523. To further amend Section 1 of Act No. 81, H. 76, 1967 Special Session (Acts of 1967, p. 114, now appearing in Code of Alabama, Recompiled 1958, as Title 13, Section 125 (79a) so as to provide that the secretary of the district attorney for the nineteenth judicial circuit of Alabama shall be paid the same salary as that of the top step position for a clerk stenographer three in state service.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Gilmore, Givhan, King, Little, Littleton, McDonald (S), McMillan, Mims, Mitchell, Owen,

Pearson, Perloff, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

*The Bill:*

S. 532. To authorize the county commissions of all counties having populations of not less than 17,000 nor more than 20,000 to provide for the relief of Dan Powell to pay for dentist bills incurred due to a broken tooth received while working for the county.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, Little, McDonald (A), McDonald (S), McMillan, Owen, Pearson, Perloff, Perry, Powell, Roberts, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

*The Bill:*

S. 742. To amend Section 1 of Act No. 178, H. 94, Special Session 1969 (Acts 1969, p. 244), which provides for the compensation of jurors in Tuscaloosa County.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, King, Little, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perry, Powell, Roberts, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

*The Bill:*

S. 558. To amend further Act No. 273, S. 293, approved August 7, 1947, (1947 Local Acts, p. 196), as amended and as last amended, which is designated "The Civil Service Act of Dothan".

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan,



Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Torbert, Wilson.

—25

*Nays:*

—0

*The Bill:*

S. 567. To prescribe means, in addition to the giving of bail bonds, by which a person charged with an offense in counties having populations of not less than 115,000 nor more than 150,000, according to the most recent Federal Decennial census, regardless of his financial or social status, may give security for appearance in order to secure his release instead of being needlessly detained pending his appearance to answer charges, to testify, or pending appeal, when detention serves neither the ends of justice nor the public interest.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), Mims, Mitchell, Perloff, Perry, Powell, Roberts, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

*The Bill:*

S. 571. To amend further Act No. 470, H. 952 of the Regular Session of 1939, approved September 15, 1939, (Local Acts, 1939, p. 298) which creates and establishes the County-wide Civil Service System in Mobile County.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Perloff, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

*The Bill:*

S. 603. To amend Section 1 of Act No. 738, H. 1842, 1973 Regular Session (Acts of 1973, p. 1098), entitled, "To revise and re-enact Act No. 1504, S. 1103, Regular Session 1971, (Acts 1971, page 2589, Vol. IV),

entitled 'Relating to counties having populations of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census, fixing the fee for issuance of a pistol permit by the sheriff, and providing for the disposition and use of such fees'"; so as to transfer \$150 per month from the law enforcement fund to the district attorney's funds in such counties.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Gilmore, Givhan, Jones, King, Little, Littleton, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 604. Relating to counties having populations of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census; to provide an additional expense allowance for the judge of the intermediate court.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perry, Powell, Roberts, St. John, Stewart, Torbert, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

S. 624. To authorize the county commission of Chambers County to provide for the relief of Wilma M. Atkinson because of property damage sustained to her automobile.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Givhan, Jones, Little, McMillan, Mims, Mitchell, Noonan, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

*Nays:*

—0

**The Bill:**

S. 628. Relating to the compensation of the Legal Stenographer of the District Attorney of the Sixth Judicial Circuit, amending Act No. 657 of 1973 Regular Session of Legislature of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

**Yeas:**

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Little, Littleton, McDonald (A), McDonald (S), McMillan, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

**Nays:**

—0

**The Bill:**

S. 630. To create the office of Deputy District Attorney No. 5 of the Sixth Judicial Circuit and provide for the appointment, duties and compensation of such office.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

**Yeas:**

Messrs. Bank, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

**Nays:**

—0

**The Bill:**

S. 631. To create a solicitor's fund in the Sixth Judicial Circuit of Alabama; to provide for the appropriation of moneys to said fund from solicitors' fees taxed and collected in all criminal cases in the Sixth Judicial Circuit of Alabama; to authorize the county governing body to appropriate funds from the general fund to be placed in the solicitor's fund; and to authorize expenditures of said fund by the District Attorney of the Sixth Judicial Circuit for law enforcement and the discharge of the duties of his office.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

**Yeas:**

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flipppo, Gilmore,

Jones, King, Little, Littleton, McDonald (A), Mims, Mitchell, Noonan, Owen, Perloff, Perry, Powell, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 633. To authorize any county governing body in the Sixth Judicial Circuit to furnish to the office of District Attorney necessary personnel, equipment and supplies.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Owen, Pearson, Perloff, Perry, Powell, Roberts, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 664. Relating to Randolph County; providing for a stenographic secretary for the tax assessor and tax collector.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Gilmore, Givhan, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Shelby, Stewart, Torbert, Wilson.

—25

*Nays:*

—0

The Bill:

S. 679. To amend Section 1 of Act No. 586, H. 1606, Regular Session 1973 (Acts 1973, p. 842) to increase the expense allowance of the clerk and the register of the circuit court of Houston County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Givhan,

Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Owen, Pearson, Perloff, Perry, Powell, Roberts, Shelby, Stewart, Torbert, Vacca.

—25

*Nays:*

—0

The Bill:

S. 680. To amend Section 1 of Act No. 631, H. 1738, Regular Session 1973, (Acts 1973, p. 939) which relates to the compensation of certain officers of Houston County.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Clemon, Edwards, Ellis, Fine, Foshee, Givhan, Jones, King, Little, Littleton, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 754. To repeal Act No. 147, H. 14, Third Special Session of 1971 (Acts of 1971, p. 4392), entitled, "An Act Relating to counties having a population of not less than 57,000 nor more than 61,000 inhabitants according to the most recent federal decennial census; requiring the rotation of duties among the county commissioners elected in each such county."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Flippo, Foshee, Jones, King, Little, McDonald (S), McMillan, Mims, Mitchell, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

S. 765. To authorize the city board of education in all cities having a population of not less than 22,000 nor more than 25,000 according to the last or any subsequent federal decennial census to assume responsibility for community education, park and recreation programs.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Pearson, Perloff, Perry, Powell, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 773. To provide for additional compensation and method of payment of the Register of the Circuit Court of Marion County, Alabama, in Equity.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, Mims, Mitchell, Noonan, Owen, Pearson, Powell, Roberts, St. John, Shelby, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

#### CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Stewart, further consideration of the Bill, S. B. 784, was indefinitely postponed by the Senate.

#### BILLS ON THIRD READING RESUMED

The Bill:

S. 805. Relating to Lauderdale County; setting the compensation and expense allowance of certain officials.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Flippo, Gilmore, Givhan, Jones, King, Little, Littleton, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 806. Relating to Lauderdale County; providing for an expense allowance for members of the Lauderdale County Board of Education.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Flippo, Gilmore, Givhan, Jones, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—25

*Nays:*

—0

The Bill:

S. 807. Relating to Lauderdale County; authorizing the county commission to provide parking facilities near the county courthouse and to regulate parking on county property around the courthouse; providing penalties for violations.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Bank, Clemon, Edwards, Ellis, Fine, Flippo, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

S. 808. Relating to the management of the Public records of Lauderdale County; providing for the photographing or microphotographing of such public records and for the admissibility in evidence of photographed or microphotographed copies of records required to be kept by public officers of Lauderdale County, and for payment of the cost incurred in the purchase of photographic or microphotographic equipment; to authorize the photographing or microphotographing of old documents and records presently held as public records of Lauderdale County; to authorize the destruction of old documents not otherwise stored with the State Department of Archives and History.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 817. Relating to Choctaw County; regulating and providing for the payment of compensation of election officers.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 819. Applicable to Choctaw County; to provide an expense allowance for the coroner of such county.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Bank, Edwards, Ellis, Fine, Flippo, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Wilson.

—25

*Nays:*

—0

The Bill:

H. 515. To increase the expense account for the district attorney and the court reporter of the First Judicial Circuit by \$225 a month.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), Mims, Noonan, Owen, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:



H. 945. Relating to Elmore County; to provide for an expense allowance for certain county officers and employees.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Powell, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 946. To amend further Section 1 of Act No. 47, H. 100 of the 1962 Special Session, as amended, an Act fixing the compensation of certain officers of Elmore County so as to increase the compensation of certain of the officers whose compensation has heretofore been fixed by such Act and to fix the compensation of other officers of such county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Givhan, Jones, King, McDonald (S), McMillan, Mitchell, Owen, Pearson, Perloff, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 969. Relating to counties having populations of not less than 39,500 nor more than 41,750 according to the most recent Federal Decennial Census, providing for the County Commission to borrow not more than \$300,000.00 for a period not to exceed 18 months to pay for renovation of the County Courthouse within such counties.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Flippo, Gilmore, Givhan, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Pearson, Perloff, Perry, Powell, Roberts, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 465. To amend Section 1 of Act No. 821, H. 1336 of the Regular Session of 1971 relating to county boards of education in counties having a population of not less than 90,000 nor more than 100,000 according to the most recent or any subsequent federal decennial census, so as to require any such boards of education to have regular scheduled meetings on the first Tuesday after the first Monday of each month, or at such other times as the board deems to be in the best interest of public education.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following substitute for the Bill, S. B. 465, to-wit:

COMMITTEE SUBSTITUTE FOR S. 465

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 1 of Act No. 821, H. 1336 of the Regular Session of 1971 relating to county boards of education in counties having a population of not less than 90,000 nor more than 100,000 according to the most recent or any subsequent federal decennial census, so as to require any such boards of education to have regular scheduled meetings on the first Tuesday after the first Monday of each month, and at such other times as the board deems to be in the best interest of public education.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 821, H. 1336 of the Regular Session of 1971, is hereby amended to read as follows:

"Section 1. The county boards of education in all counties having a population of not less than 90,000 nor more than 100,000 inhabitants according to the most recent or any subsequent federal decennial census, shall meet and conduct the business of the board on the first Tuesday after the first Monday of each month commencing at 7:00 p.m., and at such other times as the board deems to be in the best interest of public education, without any limitation upon the number of such board meetings per year."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Flippo, Foshee, Givhan, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Shelby, Stewart, Torbert, Waldrop, Wilson.

—25

*Nays:*

—0

And said Bill, S. B. 465, as thus amended by the substitute, was then

read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, St. John, Shelby, Stewart, Torbert, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 662. To provide for the holding of circuit court anywhere within the county comprising the 37th Judicial Circuit of Alabama.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following substitute for the Bill, S. B. 662, to-wit:

#### COMMITTEE SUBSTITUTE FOR S. B. 662

##### A BILL TO BE ENTITLED AN ACT

To provide for the holding of circuit court anywhere within the county comprising the 37th Judicial Circuit of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Notwithstanding the provisions of Section 5, Act No. 378, S. 141, 1947 Regular Session (Acts of 1947, p. 271; now appearing in Code of Alabama, Recompiled 1958, Title 13, Section 112 (6), trials, hearings, and all other official proceedings in the Circuit Court of the 37th Judicial Circuit of Alabama may be held at any place within the county comprising said judicial circuit as may be ordered by a judge of said circuit court.

Section 2. This act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Givhan, Jones, Little, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

*Nays:*

—0

And said Bill, S. B. 662, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 818. To provide an additional clerk-hire allowance for the Tax Collector and Tax Assessor of Choctaw County, Alabama and to provide for the payment of the same for said Officers of such County.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following substitute for the Bill, S. B. 818, to-wit:

#### COMMITTEE SUBSTITUTE FOR S. B. 818

#### A BILL TO BE ENTITLED AN ACT

To provide an additional clerk-hire allowance for the Tax Collector and Tax Assessor of Choctaw County, Alabama; to provide for the payment of the same for said Officers of such County.

Be It Enacted by the Legislature of Alabama:

SECTION 1. The Tax Collector and The Tax Assessor of Choctaw County shall be entitled to receive \$3,000 each, annually as a clerk-hire allowance. Such allowance shall be paid from the funds of said county.

SECTION 2. This act shall become effective on October 1, 1975.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flipppo, Foshee, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Torbert, Wilson.

—25

*Nays:*

—0

And said Bill, S. B. 818, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca.

—25

*Nays:*

—0

The Bill:

S. 928. Relating to Chilton County; to change the method of compensating the judge of probate, the tax assessor, the tax collector, the clerk of the circuit court and the register of the circuit court; and to fix the compensation for each of such officers, subject to the ratification of a constitutional amendment.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Gilmore, Givhan, Jones, King, Littleton, McDonald (S), McMillan, Mims, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca.

—25

*Nays:*

—0

The Bill:

S. 535. Providing a method of issuing motor vehicle tags by mail in Marshall County by the judge of probate.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (S), Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 929. Relating to the office of sheriff of Chilton County; providing further for the appointment, number, duties and compensation of deputies; providing for the furnishing of quarters, equipment and clerical help; providing for an expense allowance for the sheriff; and repealing Act No. 340, H. 981, 1973 Regular Session, (1973 Acts, p. 480) and other conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Givhan, Jones, King, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, St. John, Shelby, Stewart, Torbert, Vacca.

—25

*Nays:*

—0

The Bill:

S. 943. To provide an expense allowance for the Court reporter of the Court of Law and Equity in Chilton County.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Shelby, Stewart, Torbert, Wilson.

—25

*Nays:*

—0

The Bill:

S. 931. To provide an expense allowance for the Judge of the Court of Law and Equity in Chilton County.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Littleton, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Wilson.

—25

*Nays:*

—0

The Bill:

S. 932. Proposing an amendment to the Constitution of Alabama relating to the compensation of certain officers of Chilton County; and to fix and regulate the costs and charges of courts.

Was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Littleton, McDonald (S), McMillan, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca.

—25

*Nays:*

—0

The Bill:

S. 634. To amend the Title and Articles 1.07, 3.01, 3.02, 3.04, 3.07 and 3.09 of Act No. 452, H. 974, page 1004, Regular Session of the Legislature of Alabama of 1955, as amended, providing a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the last or any subsequent census, so as to provide for the election of councilmen from districts.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Flippo, Foshee, Gilmore, Jones, King, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Wilson.

—25

*Nays:*

—0

#### CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Gilmore, further consideration of the Bill, S. B. 840, was indefinitely postponed by the Senate.

#### BILLS ON THIRD READING RESUMED

The Bill:

S. 905. To apply to every county of the State having a population of 600,000 or more according to the last or any subsequent Federal census; to provide that the governing body of any such county may provide by ordinance for taking possession of, storing and selling any abandoned, stolen or contraband property found in the county; to provide that any such ordinance may prescribe the conditions on which such property may be taken into possession, stored and sold; and to provide what other provisions any such ordinance shall contain.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Flippo, Foshee, Gilmore,

Jones, King, Little, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Pearson, Perry, Powell, Roberts, St. John, Shelby, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 48. Relating to Jefferson County; to provide that the Jefferson County school system shall remit to the Midfield school system an appropriate amount of local school tax revenues so as to defray the additional financial burden placed upon the Midfield school system by the transfer of certain students pursuant to federal court school desegregation orders; to prescribe the formula and payment procedure for such remittance; to prescribe penalty for delinquent accounts; to provide for retroactive effect to October 1, 1974 and to repeal all conflicting statutes.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Abstaining: 2.

*Yeas:*

Messrs. Adams, Clemon, Ellis, Flippo, Foshee, Gilmore, Jones, King, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

*Abstaining:* Messrs. Baker, Edwards.

—2

The Bill:

S. 389. Relating to Randolph County: providing further for the compensation of election officials.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Givhan, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Torbert, Vacca, Waldrop.

—25

*Nays:*

—0

The Bill:

S. 654. To establish and provide for a Schedule of Compensation for Deputy District Attorneys of the Sixth Judicial Circuit.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.



Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Little, Littleton, McDonald (A), McDonald (S), McMillan, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

*The Bill:*

S. 665. To provide for the compensation of jurors in Randolph County.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Givhan, Jones, Little, McDonald (A), McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, St. John, Shelby, Stewart, Torbert, Vacca.

—25

*Nays:*

—0

*The Bill:*

S. 769. To amend Act No. 1178 of the 1973 Regular Session of the Legislature of the State of Alabama, which act established a court to be called the General Sessions Court of Madison County, so as to add thereto Section 18, so as to establish a Small Claims Division of said General Sessions Court of Madison County; to set the jurisdictional amount for claims to be processed through said Small Claims Division; to provide for the issuance of summons and complaints from said division; to provide for services of processes for claims handled through said division; to provide for filing fees and court costs for claims filed through said division; to provide for procedures, forms, and assistance to plaintiffs in the preparation of claims; to provide for the Clerk of said Court to have authority to enter judgments by default; and to provide for the employment of additional clerks and facilities to assist the General Sessions Court in the implementation of this act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Perry, Powell, Roberts, St. John, Shelby, Stewart, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 794. Relating to the city of Huntsville; to provide for the election of a president and vice-president of the city board of education.

was taken up.

Mr. McDonald (A) offered the following substitute for the Bill, S. B. 794, to-wit:

# SUBSTITUTE FOR S. 794

## A BILL TO BE ENTITLED AN ACT

Relating to the City of Huntsville; to provide for the election of a president and vice-president of the city board of education.

Be It Enacted by the Legislature of Alabama:

Section 1. The city board of education of Huntsville elected pursuant to law, shall meet annually on the first Monday in October and at such meeting, the board shall elect one of its members to serve as president and one to serve as vice-president and shall conduct other business as may properly come before the board.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective on the first Monday in October 1976.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, McDonald (A), Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Wilson.

—25

*Nays:*

—0

And said Bill, S. B. 794, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, King, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:* —0

The Bill:

S. 810. Relating to Lauderdale County; providing for a monthly expense allowance for County Commissioners of Lauderdale County.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Flippo, Jones, King, Little, Littleton, McMillan, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:* —0

The Bill:

S. 812. Relating to Lauderdale County; providing an expense allowance for the County Coroner.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Flippo, Gilmore, Givhan, Jones, King, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—25

*Nays:* —0

The Bill:

S. 813. To authorize the city of Florence to declare noxious or dangerous weeds growing upon the streets or sidewalks, or upon private property within said city, or any accumulation of trash, rubbish, junk or debris, or any unsightly or dangerous walls, or any abandoned construction of any kind or nature, or motor vehicles or machinery not in operating condition, or any debris of a burned building, or any abandoned or unused swimming pool, or any abandoned wells or cisterns, to be a public nuisance and creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Flippo, Gilmore, Givhan, Jones,

King, Little, Littleton, McDonald (A), Mims, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—25

*Nays:*

—0

The Bill:

S. 814. Amending Section 1 of Act No. 791, H. 923, Regular Session (Acts 1969, p. 1421), relating to the sheriff's department of Lauderdale County, so as to remove the maximum number of deputies that can be hired and removing the compensation limits of the deputies, secretaries and jailers.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Bank, Clemon, Edwards, Ellis, Fine, Flippo, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 820. Relating to Choctaw County; to provide that the county commission pay such a supplement to the pay of jurors so as to make their total pay \$20 per day.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (S), McMillan, Mims, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Wilson.

—25

*Nays:*

—0

The Bill:

S. 821. Applicable to Choctaw County, Alabama; to provide an expense allowance for the members of the county governing body of said county.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Bank, Fine, Flippo, Foshee, Gilmore, Givhan, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 847. Amending Title 37, Section 788, Code of Alabama, authorizing the City of Huntsville in Madison County to create a Planning Commission having certain powers, duties and regulations.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, King, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

S. 848. To provide for additional compensation for the official Court Reporters of the Twentieth Judicial Circuit of Alabama, for the performance of their official duties.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Roberts, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 850. To authorize certain savings and loan associations to establish a branch or branches in certain parts of Chambers County, Alabama.

was taken up.

Mr. Torbert offered the following amendment to the Bill, S. B. 850, to-wit:

AMENDMENT TO S. 850

In Section 1, on page 1, lines 21-24, strike the words, "within the limits or Beats or Precincts Seven and Thirteen of Chambers County, Alabama, as such beats are now defined for the purpose of holding elections," and insert in lieu thereof the following:

within that portion of Beat Thirteen of Chambers County, Alabama, as such beat is now defined for the purpose of holding elections, which lies south of the right-of-way of the Western Railway of Alabama as it presently exists,

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Bank, Clemon, Edwards, Ellis, Gilmore, Givhan, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

*Nays:*

—0

And said Bill, S. B. 850, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, Little, McDonald (A), McDonald (S), McMillan, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Wilson.

—25

*Nays:*

—0

The Bill:

S. 851. Relating to Hale County; regulating and providing for the payment of compensation of election officers.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Givhan, King, Little, Littleton, McDonald (A), McDonald (S), Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

—25

*Nays:* —0

The Bill:

S. 852. Relating to Hale County; to provide that the county commission pay such a supplement to the pay of jurors so as to make their total pay \$20 per day.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Givhan, King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:* —0

The Bill:

S. 866. Relating to Hale County; providing for an expense allowance, in lieu of all other expense allowances, for the members of the county governing body for their remaining terms of office and providing for a salary for each such person, in lieu of all other compensation, to take effect upon the expiration of the current terms of office.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Givhan, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—25

*Nays:* —0

The Bill:

S. 884. To amend Act No. 356 of the Legislature of Alabama of 1973, to improve the benefits for retired employees by authorizing and ratifying the payment of premiums for life, health and hospitalization insurance for retired employees.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Owen,

Pearson, Perloff, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

—25

*Nays:*

—0

### CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Baker, further consideration of the Bill, S. B. 874, was indefinitely postponed by the Senate.

### BILLS ON THIRD READING RESUMED

*The Bill:*

S. 898. Relating to Morgan County; to amend the title and section 11 of Act No. 261, S. 431, Regular Session 1973 (Acts of 1973, p. 294), which act provides for the consolidation of the offices of the county tax assessor and tax collector into one office of county revenue commissioner, so as to clarify the title and to provide for a county referendum vote upon said act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

*The Bill:*

S. 290. To amend Section 2 of Act No. 673, S. 800, Regular Session 1969 (Acts of Alabama 1969, p. 1206) relating to the office of sheriff of Marshall County so as to further provide for the number of employees and their compensation.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca.

—25

*Nays:*

—0

*The Bill:*



S. 260. To amend further Section 1 of Act No. 1737, H. 2566, Regular Session 1971 (Acts 1971, p. 2902), entitled: "An Act to alter or rearrange the boundary lines of the Town of Fyffe, DeKalb County, Alabama, so as to include within the corporate limits of said town all lands lying within the lands hereinafter described," in order to exclude certain lands from the corporate limits of the Town.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (S), Mims, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Torbert, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

S. 149. Relating to DeKalb County; imposing an additional excise tax on persons, corporations, co-partnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline or other liquid motor fuel or devices or substitutes therefor in said county; to provide for the collection and payment of such tax and to provide the distribution and the use of the funds derived therefrom; to authorize the governing body of such county to make reasonable rules and regulations for the collection of such tax, and to provide for the enforcement of this Act and to fix a penalty for the violation of any provision of this Act and of the rules and regulations prescribed by the governing body of such county for the collection of said tax.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Abstaining 1.

*Yeas:*

Messrs. Baker, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Wilson.

—25

*Nays:*

—0

*Abstaining:* Mr. Edwards.

—1

The Bill:

S. 148. Relating to DeKalb County; to provide that the DeKalb County Commission may levy and collect a severance tax on coal produced in said county at a rate to be established by said county commission; to provide that such tax shall be in addition to any state severance tax on coal

and shall be deposited in the general fund of said county to be expended at the discretion of said county commission.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Abstaining 1.

*Yeas:*

Messrs. Baker, Bank, Clemon, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, St. John, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

*Abstaining:* Mr. Edwards.

—1

The Bill:

H. 51. To Amend Sections 10 and 11 of Article VI of Act No. 1272 of the 1973 Regular Session of the Legislature of Alabama, approved September 18, 1973 (which amended in entirety Act No. 929 of the 1951 Regular Session of the Legislature, page 1579, et seq., as amended) which Act No. 1272 provides for a general pension system for salaried employees in each city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census, and for employees of the county board of health, civil defense agency and civic center, so as to provide in Sections 10 and 11 survivor benefits for the widows and children of retirees and employees.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Flippo, Foshee, Gilmore, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Roberts, Shelby, Stewart, Torbert, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 133. To amend Section 6 of Act No. 470 of the Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955 entitled "An Act To provide a separate retirement and relief system for certain of the presently active employees of the City of Birmingham who entered the service of the police department of said city prior to September 19, 1939, and to whom is applicable the pension and relief system provided by Act No. 502 of the Regular Session of the Legislature of 1923, as reenacted and amended: to include in said separate system dependents of said presently active employees; and to render said Act No. 502 inapplicable to said certain presently active employees and their dependents."

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Flippo, Gilmore, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 270. To amend Section 6 of Act No. 217 of the 1966 Special Session of the Legislature of Alabama approved August 30, 1966 (Acts of Alabama, 1966, Special Session Page 280 et seq.) Entitled "An Act to Provide A Separate Retirement and Relief System For Certain Of The Presently Active Employees Of The City Of Birmingham Who Entered the Service Of The Fire Department Of Said City Prior to September 19, 1939, And To Whom Is Applicable The Pension and Relief System Provided By Act No. 307 Of The 1943 Regular Session Of The Legislature Of Alabama, as Amended, And Act Number 22 Of The Second Special Session Of The Legislature Of Alabama Of 1956, To Include In Said Separate System Dependents Of Said Presently Active Employees; And To Render Said Act No. 307 and Act Number 22 Inapplicable To Said Certain Presently Active Employees And Their Dependents."

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Clemon, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 897. To further amend Act No. 497 of the Regular Session of the Legislature of Alabama of 1965, approved August 20, 1965 (Ala. Acts, 1965, pp. 717-739), as heretofore amended, which established a pension system for employees and officers of Jefferson County, Alabama.

was taken up.

Mr. Gilmore offered the following amendment to the Bill, H. B. 897, to-wit:

#### AMENDMENT TO H. B. 897

Amend House Bill No. 897 Page 11, Section (b) (1) by striking the words and figures one and seven-eighths percent (1  $\frac{7}{8}$ %) and inserting in lieu thereof the word and figure two percent (2%)

Also on Page 12 Line 6 strike therefrom the words and figure sixty-five percent (65%) and insert in lieu thereof the words and figure seventy percent (70%)

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Flippo, Foshee, Gilmore, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Wilson.

—25

*Nays:*

—0

And said Bill, H. B. 897, as thus amended, was then read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Flippo, Foshee, Gilmore, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 527. To further amend Act No. 22 of the Second Special Session of 1956, approved March 23, 1956 (Ala. Acts, Special Sessions of 1956, Page 290 et seq.), as heretofore amended, relating to deductions from salary and rights and benefits and pensions and relief of members and former members of the Fire Department of the City of Birmingham and their existing and former dependents under Act No. 307 of the Regular Session of the Legislature of Alabama of 1943, approved June 28, 1943 (General Acts Alabama 1943, Page 264) and the predecessors of said Act.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Flippo, Foshee, Gilmore, Jones, King, Littleton, McDonald (S), McMillan, Mitchell, Noonan, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 898. To provide what the fees established by Section 274, Title

51, Ala. Code of 1940 (fees relating to sale of real estate for delinquent taxes) shall be in Jefferson County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Flippo, Gilmore, Jones, King, Little, Littleton, McMillan, Mims, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 944. To amend Act No. 17 of the Second Special Session of the Legislature of Alabama of 1975, approved March 10, 1975, which provided in every County of the State having a population of 600,000 or more according to the last or any subsequent Federal Census for the temporary detention, care and handling of mentally ill persons, pending formal commitment proceedings to determine whether such person should be committed to the Alabama State Hospitals.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Flippo, Foshee, Gilmore, Jones, King, Littleton, McMillan, Mims, Mitchell, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

S. 944. To amend Act No. 538, approved August 27, 1973, relating to an expense allowance to be paid the Circuit Judges and District Attorney of the Thirtieth Judicial Circuit of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Givhan, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

**The Bill:**

H. 214. To amend Act No. 192, H. 526, 1971 Regular Session (Acts 1971, p. 487), entitled "An Act Relating to Calhoun County; providing for meetings of and clerical assistance to the board of registrars of Calhoun County," relative to the salary of the executive secretary to the board, to make the provisions of this amendatory act retroactive.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Adams, Baker, Bank, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Stewart, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

**The Bill:**

H. 238. To repeal Act No. 31, S. 104, approved September 23, 1965, Second Special Session 1965 (Acts of Alabama 1965, p. 47) entitled, "An Act Relating to counties having a population of not less than 27,000 nor more than 30,000 according to the most recent federal decennial census; to provide for a solicitor's fund therein when the solicitor resides in such county from the solicitor's fees taxed and collected as costs and providing for the expenditure and use thereof."

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Givhan, King, Little, Littleton, Mims, Mitchell, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

—25

*Nays:*

—0

**The Bill:**

H. 280. To provide further for the compensations and expense allowances of certain officers of Limestone County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Givhan, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Shelby, Stewart, Torbert, Vacca.

—25

*Nays:*

—0

The Bill:

H. 346. Relating to counties having a population of not less than 12,700 nor more than 13,100 according to the most recent federal decennial census; to provide for an expense allowance for members of the board of education; to provide that said allowance shall be the only form of compensation for said members and to repeal all conflicting statutes.

was taken up.

Mr. Mitchell offered the following amendment to the Bill, H. B. 346, to-wit:

#### AMENDMENT TO H. B. 346

Amend House Bill No. 346 Page 95, by striking out Section 4 thereof and substituting in lieu thereof the following:

Section 4. This act shall be retroactive to July 1, 1975.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), Mitchell, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—25

*Nays:*

—0

And said Bill, H. B. 346, as thus amended, was then read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), Mitchell, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 347. To amend Sections 2 and 4 of Act No. 354, H. 1051, 1973 Regular Session (Acts of 1973, p. 490) entitled "An Act Relating to counties having a population of not less than 12,700 and not more than 13,100 according to the most recent federal decennial census; to provide for the compensation and certain expenses of the register of the circuit court in any such county, payable from county funds; and providing for certain other duties of such register," so as to provide further for an expense allowance for the register.

was taken up.

Mr. Mitchell offered the following amendment to the Bill, H. B. 347, to-wit:

Amend House Bill No. 347 Page 2, by striking out Section 2 thereof and substituting in lieu thereof the following:

Section 2. This act shall be retroactive to July 1, 1975.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), Mitchell, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Wilson.

—25

*Nays:*

—0

And said Bill, H. B. 347, as thus amended, was then read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), Mitchell, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca.

—25

*Nays:*

—0

The Bill:

H. 835. To allow the county commissioners of all counties having populations of not less than 24,900 nor more than 25,150 inhabitants according to the most recent federal decennial census, to hire cooks and maids for the county jail to be paid out of the general funds of the county; and to make the provisions of this act retroactive.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Ellis, Fine, Flippo, Foshee, Givhan, Jones, King, Little, Littleton, McDonald (A), Mims, Mitchell, Noonan, Owen, Pearson, Perry, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—25

*Nays:*

—0

The Bill:

H. 1001. Relating to the circuit judge in every judicial circuit



composed of one county, having but one circuit judge, with a population of not less than 27,000 nor more than 27,900, authorizing an expense allowance for the circuit judge; and repealing Act No. 1467, S. 1001, 1971 Regular Session (Acts of 1971, p. 2510) entitled, "An Act relating to the office of the circuit judge in every judicial circuit composed of one county, having but one circuit judge with a population of not less than 27,000 nor more than 27,900, authorizing an expense allowance for the circuit judge."

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following substitute for the Bill, H. B. 1001, to-wit:

#### SUBSTITUTE FOR HOUSE BILL 1001

#### A BILL TO BE ENTITLED AN ACT

Relating to the circuit judge in every judicial circuit composed of one county, having but one circuit judge, with a population of not less than 27,000 nor more than 27,900, authorizing an expense allowance for the circuit judge; and repealing Act No. 1467, S. 1001, 1971 Regular Session (Acts of 1971, p. 2510) entitled, "An Act relating to the office of the circuit judge in every judicial circuit composed of one county, having but one circuit judge with a population of not less than 27,000 nor more than 27,900, authorizing an expense allowance for the circuit judge".

Be It Enacted by the Legislature of Alabama:

Section 1. In every judicial circuit composed of only one county and having but one circuit judge, with a population of not less than 27,000 nor more than 27,900, the circuit judge shall be entitled to receive an expense allowance in lieu of any now being received from that county comprising such judicial circuit, in an amount equal to 25% of the base salary paid circuit judges from the state treasury. The county commission of that county comprising such judicial circuit is hereby authorized, empowered and directed, to pay the expense allowance provided herein to the circuit judge in equal monthly installments out of the general funds of the county or such other funds as may be available. The expense allowance prescribed herein shall be the only expense allowance payable to said judge out of the county treasury of any such county, but shall be in addition to any and all other salary, compensation and allowances payable pursuant to law to such judge by the State of Alabama or by any other county.

Section 2. Act No. 1467, S. 1001, 1971 Regular Session (Acts of 1971, p. 2510) entitled, "An Act relating to the office of the circuit judge in every judicial circuit composed of one county, having but one circuit judge with a population of not less than 27,000 nor more than 27,900, authorizing an expense allowance for the circuit judge", is hereby repealed.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective October 1, 1975.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

—25

*Nays:*

—0

And said Bill, H. B. 1001, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1082. To regulate and control the sale of alcoholic beverages in Madison County, Alabama; to authorize the City of Huntsville in said County to license, regulate, and control the sale of alcoholic beverages within the corporate limits and the police jurisdiction thereof; to provide that the Council or other governing body of the City of Huntsville, in Madison County, shall have the power to suspend or revoke any retail liquor or malt or brewed beverage license issued by said city; to provide for the reclassification of existing retail malt and brewed beverages and retail liquor licenses; to provide that nothing herein shall relieve any licensee from complying with all of the laws of the State of Alabama and the rules and regulations of the Alcoholic Beverage Control Board of the State of Alabama pertaining to said licensee; to provide that licensees have all required food handling permits from the Madison County Department of Public Health; to provide for the revocation and suspension of licenses for certain violations; to regulate the hours of retail liquor and retail malt or brewed beverage establishments within said County; to provide for the prompt reporting of all assaults, assault and batteries, affrays, and other altercations occurring upon licensed premises.

was taken up.

Mr. McDonald (A) offered the following amendment to the Bill, H. B. 1082, to-wit:

#### AMENDMENT TO H. B. 1082

Amend H. B. 1082 in Section 10, line 31 by inserting the following sentence after the word posted and the period: A current price list printed upon the regular menu of a retail restaurant liquor licensee or, of an on premise beer licensee, or upon a special menu regularly available at the tables to customers and patrons of said licensee shall be held to comply with this requirement.

Which was adopted.

Yeas 25; Nays 0.

Abstaining 2.

*Yeas:*

Messrs. Clemon, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, King, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

—25

*Nays:*

—0

*Abstaining:* Messrs. Baker, Edwards.

—2

Mr. McDonald (A) then offered the following amendment to the Bill, H. B. 1082, as amended, to-wit:

#### AMENDMENT NO. 2 TO HOUSE BILL 1082

On line 9 of page 2 change the period at the end of said line to a comma and add the following words:

unless the sales of such spirituous or vinous liquors are otherwise allowed by local law.

Which was adopted.

Yeas 25; Nays 0.

Abstaining 2.

*Yeas:*

Messrs. Clemon, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, King, McDonald (A), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

*Abstaining:* Messrs. Baker, Edwards.

—2

Mr. McDonald (A), then offered the following amendment to the Bill, H. B. 1082, as amended, to-wit:

#### AMENDMENT NO. 3 TO H. B. 1082

In Section 9, page 5, line 15 immediately following the word located, delete the words and phrases:

and to the Madison County Sheriff,

Also in Section 9, page 5, on line 16, between the words battery and affray strike the comma and insert the word or, and after the word affray, delete the comma and delete the following words and phrases:

or other altercation of any kind or nature

Which was adopted.

Yeas 25; Nays 0.

Abstaining 2.

*Yeas:*

Messrs. Adams, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

*Abstaining:* Messrs. Baker, Edwards.

—2

Mr. McDonald (A) then offered the following amendment to the Bill, H. B. 1082, as amended, to-wit:

#### AMENDMENT NO. 4 TO H. B. 1082

Strike the word September on page 3, Section 5, line 34 and insert in lieu thereof the word

November

Which was adopted.

Yeas 25; Nays 0.

Abstaining 2.

*Yeas:*

Messrs. Adams, Bank, Clemon, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, King, McDonald (A), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Wilson.

—25

*Nays:*

—0

*Abstaining:* Messrs. Baker, Edwards.

—2

And said Bill, H. B. 1082, as thus amended, was then read a third time at length and passed.

Yeas 25; Nays 0.

Abstaining 2.

*Yeas:*

Messrs. Adams, Bank, Clemon, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, King, Littleton, McDonald (A), McMillan, Mims, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Wilson.

—25

*Nays:*

—0

*Abstaining:* Messrs. Baker, Edwards.

—2

The Bill:

H. 1153. Relating to the eighth judicial circuit; to provide expense allowances for each judge, the district attorney, the assistant district attorney, and each court reporter of the circuit; to make such allowances retroactive to April 1, 1975; and to provide for a salary supplement in lieu of the expense allowances commencing upon expiration of prohibitions prohibiting salary increases as to each officer.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1298. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Dora in Walker County, Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Givhan, Jones, King, Little, Littleton, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, St. John, Stewart, Torbert, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1304. Relating to counties having a population of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census; to provide for an additional expense allowance for the county superintendent of education.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 1304, to-wit:

#### COMMITTEE AMENDMENT TO H. B. 1304

Amend H. B. 1304 as follows:

Amend H. B. 1304, Section 3, page 1, line 30 by striking the words "on the first day of the month next succeeding the date this act becomes law." and inserting in lieu thereof the following:

“retroactive to July 1, 1975.”

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Stewart, Torbert, Vacca, Wilson.

—25

*Nays:*

—0

And said Bill, H. B. 1304, as thus amended, was then read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Stewart, Torbert, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1328. To provide for expense allowances including retroactive expense allowances of certain officers of Morgan County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Flipppo, Foshee, Givhan, Jones, King, Little, Littleton, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 163. Relating to Conecuh County: Authorizing the sheriff to send, by first-class mail, notice of summons to persons selected to serve jury duty; and to notify, by first class-mail those persons selected to serve as election officers.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Flipppo, Foshee, Gilmore, Givhan,

Jones, McDonald (A), McDonald (S), McMillan, Mims, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 164. Relating to Conecuh County, providing for the reimbursement of actual expenses of the members of the county board of education for their attendance at all authorized out-of-county meetings and conferences upon presentation of receipts by such members.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Clemon, Edwards, Ellis, Fine, Flippo, Foshee, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 165. Relating to Conecuh County; providing for an increase in the pay of the members of the board of registrars and board of equalization.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, Mims, Noonan, Owen, Pearson, Perloff, St. John, Shelby, Stewart, Torbert, Vacca.

—25

*Nays:*

—0

The Bill:

H. 166. Relating to Conecuh County; providing for a monthly clerical assistance allowance for the tax assessor of said county and specifically repealing Act No. 334, H. 921 of the Regular Session 1973 (Acts of 1973, p. 476), which Act provides for such an allowance for the months of October, November and December, only, making the provisions of this Act effective July 1, 1975.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, McDonald (S), McMillan, Mims, Noonan, Owen, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1266. To authorize certain savings and loan associations to establish a branch or branches in certain parts of Chambers County, Alabama.

was taken up.

Mr. Torbert offered the following amendment to the Bill, H. B. 1266, to-wit:

#### AMENDMENT TO H. 1266

In Section 1, on page 1, lines 21-24, strike the words, "within the limits of Beats or Precincts Seven and Thirteen of Chambers County, Alabama, as such beats are now defined for the purpose of holding elections," and insert in lieu thereof the following:

within that portion of Beat Thirteen of Chambers County, Alabama, as such beat is now defined for the purpose of holding elections, which lies south of the right-of-way of the Western Railway of Alabama as it presently exists,

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, Little, McDonald (A), McDonald (S), McMillan, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

*Nays:*

—0

And said Bill, H. B. 1266, as thus amended, was then read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

*Nays:*

—0



The Bill:

H. 514. Relating to Tuscaloosa County; to provide for a uniform compensation schedule for all law enforcement officers in the sheriff's department in said county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Edwards, Ellis, Fine, Gilmore, Givhan, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perry, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 786. To provide that the employees of any city having a population of not less than 175,000 nor more than 275,000 according to the most recent federal decennial census, may by election designate a bargaining agent to represent them in respect to the wages the city employing them shall pay them and in respect to other conditions of employment; to provide for calling and conducting elections to certify a bargaining agent and elections to decertify a bargaining agent; to authorize the director of labor of the State of Alabama to establish rules and regulations governing the call of, notice of, and conduct of such elections; to provide for collective bargaining proceedings to be instituted by the bargaining agent or the officer or body empowered to establish wages for the employees; to provide for compulsory arbitration; to provide for the appointment of arbitrators and define their jurisdiction and authority; to provide that the arbitrators' decisions shall be binding upon all parties; to provide for the enforcement of such decisions by the circuit court; to provide that it shall be unlawful for an employee to strike or engage in any work stoppage or slowdown; and that it shall be unlawful for any bargaining agent, or any officer or body empowered to establish wages for employees to fail to bargain in good faith, in accordance with this act, or to fail to carry out any decision rendered by the arbitrators; to provide penalties for any person violating this act; and to repeal all laws or parts of laws, whether general, special or local, in conflict with this act.

was taken up.

Mr. Noonan offered the following amendment to the Bill, H. B. 786, to-wit:

#### AMENDMENT TO H. 786

Insert the following Section 15 and renumber the remaining sections:

Section 15. The provisions of this act shall become operative only if approved by a majority of the electors of any city to which this act applies who vote thereon in a referendum to be held on the same day on which the next general or special election is held. The governing body of any city to which this act applies shall order and provide for the holding of the referendum on such date. On the ballots to be used at the election the

question shall be stated substantially as follows: "Shall the provisions of Act No. \_\_\_\_\_ of the 1975 Regular Session of the Legislature, approved the \_\_\_\_\_ day of \_\_\_\_\_, 1975, which provides for collective bargaining of municipal employees, be adopted Yes ( ), No ( )." If a majority of the votes cast in the election are "Yes," then the provisions of this act shall become operative on the first day of the month following the referendum. If the majority are "No" this act shall have no further effect. The results of the election shall be certified by the probate judge to the Secretary of State, who shall make a permanent record thereof.

Which was adopted.

Yeas 25; Nays 0.

Abstaining 4.

*Yeas:*

Messrs. Adams, Bank, Clemon, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, King, Little, Littleton, McMillan, Mims, Noonan, Owen, Pearson, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—25

*Nays:*

—0

*Abstaining:* Messrs. Baker, Edwards, Perloff, Roberts.

—4

Mr. Noonan then offered the following amendment to the Bill, H. B. 786, as amended, to-wit:

#### AMENDMENT TO H. 786 AS AMENDED

In the title, on page 2, line 38, between the semicolon ";" and the word "and" insert the following: "to provide for a referendum;"

Which was adopted.

Yeas 25; Nays 0.

Abstaining 4.

*Yeas:*

Messrs. Adams, Bank, Clemon, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, King, Little, Littleton, McMillan, Mims, Noonan, Owen, Pearson, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—25

*Nays:*

—0

*Abstaining:* Messrs. Baker, Edwards, Perloff, Roberts.

—4

Mr. Noonan then offered the following amendment to the Bill, H. B. 786, as amended, to-wit:

#### AMENDMENT TO H. 786 AS AMENDED

Delete Section 16 on page 10 in its entirety and renumber the remaining sections.

Which was adopted.

Yeas 25; Nays 0.

## Abstaining 4.

Yeas:

Messrs. Adams, Bank, Clemon, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, King, Little, Littleton, McDonald (A), McDonald (S), Mitchell, Noonan, Owen, Pearson, Powell, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

*Abstaining:* Messrs. Baker, Edwards, Perloff, Roberts.

—4

Mr. Noonan then offered the following amendment to the Bill, H. B. 786, as amended, to-wit:

## AMENDMENT TO H. B. 786 AS AMENDED

Add the following Section 16 on page 10 and renumber the remaining sections:

Section 16. The provisions of Title 26, Section 375(1) through 375(7) shall apply to all employees subject to this act.

Which was adopted.

Yeas 25; Nays 0.

Abstaining 4.

Yeas:

Messrs. Adams, Bank, Ellis, Fine, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), Mitchell, Noonan, Owen, Pearson, Perry, Powell, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

*Abstaining:* Messrs. Baker, Edwards, Perloff, Roberts.

—4

And said Bill, H. B. 786, as thus amended, was then read a third time at length and passed.

Yeas 25; Nays 0.

Abstaining 4.

Yeas:

Messrs. Adams, Bank, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

—25

Nays:

—0

*Abstaining:* Messrs. Baker, Edwards, Perloff, Roberts.

—4

The Bill:

H. 310. To amend Section 2 of Act No. 25, H. 50, Second Special Session 1975, approved March 10, 1975, entitled "An Act Relating to all counties having a population of not less than 24,900 nor more than 25,150 according to the most recent federal decennial census; providing an expense allowance for the Judge of the Inferior Court of that county and providing an expense allowance for the County Solicitor of that county," so as to correct a technical omission in said Section 2 and to give the provisions of this amendatory act retroactive effect to March 10, 1975.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Fine, Flipppo, Foshee, Givhan, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Perloff, Perry, Powell, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 757. To alter rearrange and extend the boundary lines and corporate limits of the Town of Goshen, in the County of Pike and State of Alabama; providing for the exemption from ad valorem taxation of farm lands annexed by this Act; and prescribing the time when this Act shall become effective.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Ellis, Fine, Flipppo, Foshee, Gilmore, Jones, Little, Littleton, McDonald (A), McMillan, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 972. To amend Section 1 of Act No. 451, S. 659, Regular Session of the Legislature of 1973, which act relates to the office of supernumerary county commissioner in all counties with a population of not less than 24,900 nor more than 25,150 according to the most recent federal decennial census, so as to further prescribe the qualifications for said position in such counties.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Givhan,

Jones, King, Little, McDonald (S), McMillan, Mims, Mitchell, Noonan, Pearson, Perloff, Perry, Powell, Shelby, Stewart, Torbert, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1400. To authorize all municipalities in counties having populations of not less than 24,900 nor greater than 25,150 according to the most recent federal decennial census; to construct and maintain, wholly within its corporate limits, offices for persons engaged in the diagnosis, treatment and cure of sick and injured persons, buildings to house or service equipment used for the diagnosis or treatment of sick or injured persons or the records of such diagnosis or treatment or research with respect thereto, and appurtenant facilities (and to acquire sites therefor); to authorize any such municipality to borrow money and to issue interest-bearing bonds, warrants and notes for the purpose of financing the construction of any such offices, buildings and facilities, and the acquisition of such sites; to provide that such bonds, warrants or notes may be general obligations of the issuing municipality or may be limited as to their source of payment and to authorize special pledges therefor; to authorize any such municipality to lease to one or more physicians all or any part of such offices, buildings and facilities; to prescribe certain conditions precedent that must be complied with before a municipality may construct or finance any such offices, buildings and facilities; to prohibit a municipality from leasing or renting any such offices, buildings or facilities unless the lease or rental arrangement obligates the lessees or tenants to pay rental aggregating not less than the fair rental value thereof; and to provide that the failure of any such municipality to comply with the provisions of this act relating to the leasing or renting of such offices, buildings or facilities shall not affect the validity or legality of any securities issued for the purpose of constructing such offices, buildings and facilities.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Fine, Flippo, Gilmore, Givhan, Jones, Little, Littleton, McDonald (A), McDonald (S), Mims, Mitchell, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Torbert, Waldrop.

—25

*Nays:*

—0

The Bill:

H. 384. Pursuant to provisions of Section 155, Article VI of the Constitution of Alabama as amended (Section 6.16 of Amendment CCCXXVIII, proclaimed December 27, 1973), this bill creates and provides for Supernumerary-Retired Probate Judges in counties having a population of 600,000 and over, according to the last or any subsequent federal census, similar to and equal with provisions of law for Circuit

Judges in such counties, and provides for continuation of service; creates and establishes the Probate Judges Retirement Fund in such counties for the purpose of providing for the payment of retirement and disability benefits for such judicial officers; prescribing the qualifications, term, duties, powers, authority, compensation and benefits of any such county Supernumerary-Retired Probate Judge of such counties; providing for payment of contributions into such fund by any eligible probate judge and for payments out of the county general fund or from fees and commissions collected by the probate court and paid into the county general fund. It provides for carrying out the provisions of this Act, and regulates the administration and supervision thereof.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following amendment to the Bill, H. B. 384, to-wit:

#### COMMITTEE AMENDMENT TO H. B. 384

Amend Section 5, subparagraph (3) of H. B. 384 by inserting between the word "age" and the word "or" the following words and figures:

"and who has served not less than 5 years as Probate Judge;"

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Pearson, Perry, Powell, Roberts, St. John, Shelby, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

And said Bill, H. B. 384, as thus amended, was then read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Pearson, Perry, Powell, Roberts, St. John, Stewart, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 1067. Relating to all counties having populations of not less than 36,500 nor greater than 39,200 according to the most recent federal decennial census; to authorize branch banks in any such city or town located wholly or partly in such county having not less than 1,200 inhabitants according to the last or any subsequent federal decennial census, provided such bank shall have been in existence, operation or under

construction in any such county prior to January 1, 1975; to deem authorized any such branch banks at the time established; and to ratify and confirm any action taken by such branch banks prior to passage of this bill.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Flippo, Foshee, Gilmore, Givhan, Jones, King, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, Perry, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop.

—25

*Nays:*

—0

The Bill:

S. 1035. Relating to the largest city in all counties having a population of not less than 60,000 nor more than 65,000 inhabitants according to the most recent or any subsequent federal decennial census; to empower recorders courts in said counties to suspend sentences or grant probation under certain conditions.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Bank, Clemon, Edwards, Fine, Flippo, Foshee, Givhan, Jones, Little, Littleton, McDonald (S), McMillan, Mims, Mitchell, Owen, Perloff, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 1033. Relating to all counties having populations of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census, fixing the base salary for the secretaries in the offices of the Judge of the Inferior Court, the Intermediate Court, and the District Attorney's Office.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Flippo, Foshee, Gilmore, Givhan, King, Little, McDonald (A), McMillan, Mitchell, Noonan, Owen,

Perloff, Perry, Roberts, St. John, Shelby, Stewart, Torbert, Waldrop, Wilson.

—25

*Nays:*

—0

**The Bill:**

S. 912. To amend Sections 5 and 6 of Act No. 908, H. 1286, 1969 Regular Session (Acts of 1969, p. 1636) as amended, relating to election procedures in certain counties having populations of not less than 34,000 nor more than 34,800, according to the most recent federal decennial census, so as to change the number of election officials, their compensation, and the duty of the county governing body.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perry, Powell, Shelby, Stewart, Torbert, Vacca, Wilson.

—25

*Nays:*

—0

**The Bill:**

S. 906. To designate by number the various places upon the governing body, to fix and stagger the terms of office of such places, and to provide for election to each, and to fix the term of office and provide for the election of the Mayor in all cities having a population of not less than 22,000 nor more than 25,000 according to the last or any subsequent Federal Decennial Census.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Bank, Clemon, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Perry, Powell, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

**The Bill:**

S. 894. Relating to the Fifteenth Judicial Circuit of Alabama, and allowing County Commissions to provide stenographic, secretarial, clerical and administrative personnel for the Circuit Judges thereof.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.



Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Edwards, Ellis, Fine, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 900. To amend Section 2 of Act No. 343, H. 815, 1969 Regular Session (Acts of 1969, p. 715; now appearing in Code of Alabama, Recompiled 1958, Title 13, Section 125 (94e)), as amended so as to provide for a raise in the maximum amount payable to the Deputy District Attorney of the 31st Judicial Circuit.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Powell, Roberts, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 946. To amend Section 2 of Act No. 673, S. 800, Regular Session 1969 (Acts of Alabama 1969, p. 1206) relating to the office of sheriff of Marshall County so as to further provide for the number of employees and their compensation.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Ellis, Fine, Foshee, Givhan, Jones, King, Little, Littleton, McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perry, Powell, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 945. To authorize all counties having populations of not less than 24,900 nor greater than 25,150 according to the most recent federal decennial census, to construct and maintain, wholly within the county,

offices for persons engaged in the diagnosis, treatment and cure of sick and injured persons, buildings to house or service equipment used for the diagnosis or treatment of sick or injured persons or the records of such diagnosis or treatment or research with respect thereto, and appurtenant facilities (and to acquire sites therefor); to authorize any such county to borrow money and to issue interest-bearing bonds, warrants and notes for the purpose of financing the construction of any such offices, buildings and facilities, and the acquisition of such sites; to provide that such bonds, warrants or notes may be general obligations of the issuing county or may be limited as to their source of payment and to authorize special pledges therefor; to authorize any such county to lease to one or more physicians all or any part of such offices, buildings and facilities; to prescribe certain conditions precedent that must be complied with before a county may construct or finance any such offices, buildings and facilities; to prohibit a county from leasing or renting any such offices, buildings or facilities unless the lease or rental arrangement obligates the lessees or tenants to pay rental aggregating not less than the fair rental value thereof; and to provide that the failure of any such county to comply with the provisions of this act relating to the leasing or renting of such offices, buildings or facilities shall not affect the validity or legality of any securities issued for the purpose of constructing such offices, buildings and facilities.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flipppo, Gilmore, Jones, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Owen, Perloff, Perry, Roberts, St. John, Stewart, Torbert, Vacca, Waldrop.

—25

*Nays:*

—0

*The Bill:*

S. 937. To amend Sections 3, 16, and 17 of Act No. 129, S. 97, Regular Session 1939, (Local Acts 1939, p. 70) creating the county governing body of Morgan County so as to further provide for meetings of the commission, filling of vacancies and funds from which salaries are paid.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, S. B. 937, to-wit:

#### COMMITTEE AMENDMENT TO S. B. 937

Amend Senate Bill No. 937 Page 2 Line 5, by inserting \_\_\_\_\_ after the word "filled" the following: "for the remainder of the time of office in which the vacancy occurred".

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Fine, Flippo, Gilmore, Givhan, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Pearson, Perry, Powell, St. John, Stewart, Torbert, Waldrop, Wilson.

—25

*Nays:*

—0

And said Bill, S. B. 937, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Fine, Flippo, Gilmore, Givhan, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Pearson, Perry, Powell, St. John, Stewart, Torbert, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 936. To require the Probate Judge of Morgan County to decline to receive for record in his office any map or plat upon which any lands lying within Morgan County but outside the corporate limits of any municipality with a planning commission or planning board are platted or mapped as streets, alleys or other public ways for subdivision purposes or otherwise unless such map or plat shall have noted thereon the approval of the Morgan County engineer. If, however, said lands be within the corporate limits and police jurisdiction of a municipality with a planning commission or planning board there must be noted thereon the approval of the municipal governing body or municipal engineer.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, S. B. 936, to-wit:

#### COMMITTEE AMENDMENT TO S. B. 936

Amend Senate Bill No. 936 Page 1 Line 26, by striking out the word "and" after the word "limits" and by substituting therefor the word "or".

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Edwards, Ellis, Flippo, Foshee, Givhan, Jones, Little, Littleton, McDonald (A), McDonald (S), Mims, Mitchell, Noonan, Owen, Perloff, Perry, Powell, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

And said Bill, S. B. 936, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Edwards, Ellis, Flippo, Foshee, Givhan, Jones, Little, Littleton, McDonald (A), McDonald (S), Mims, Mitchell, Noonan, Owen, Perloff, Perry, Powell, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 935. Relating to Morgan County; to provide for the location of the offices of the county board of education.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, McDonald (A), McMillan, Mitchell, Noonan, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 934. Relating to Morgan County; to allow the probate judge's office to close upon authorization by the county commission.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Edwards, Fine, Flippo, Foshee, Gilmore, Givhan, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perloff, Perry, Roberts, St. John, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 926. Relating to all counties having a population of not less than 75,000 nor more than 90,000 inhabitants according to the most recent

federal decennial census; granting to corporations organized under and pursuant to the provisions of Act No. 218, adopted at the 1967 Special Session of the Legislature of Alabama, approved May 10, 1967, as amended, the authority to appoint and employ suitable persons to act as police officers to keep off intruders and prevent trespass upon and damage to the property and grounds of the corporation and to apprehend those violating applicable laws and ordinances on or near such property and grounds of the corporation and upon any public ways contiguous to any part of such property and grounds; charging and investing such persons with the duties and powers of police officers when acting as authorized by the Act and granting to such officers the authority to eject trespassers from corporation buildings and grounds; providing the authority and procedure for arrest and prosecution of offenders by such officers, with and without warrant; providing for the jurisdiction of such officers granted by the Act to be co-extensive with the jurisdiction and authority of police officers of the municipality within which the buildings and grounds of the corporation are located; exempting such officers from the terms, provisions, and conditions of Act No. 1981, adopted at the 1971 Regular Session of the Legislature of Alabama, approved September 20, 1971, as amended; providing that the Act shall be construed liberally; and providing for the severability of the provisions of the Act, and for its effective date.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Givhan, Jones, King, Little, Littleton, McMillan, Mitchell, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Torbert, Waldrop.

—25

*Nays:*

—0

*The Bill:*

S. 982. To amend further Act No. 496, H. 930, Regular Session 1953 (Acts 1953, p. 624) as amended, which prescribes the salaries of certain officers of Chambers County and provides for their assistants and the office space and equipment necessary for the conduct of their offices, so as to increase the salary of certain officers.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Edwards, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, Little, Littleton, McDonald (A), McDonald (S), Mims, Mitchell, Pearson, Perloff, Powell, Roberts, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

*The Bill:*

S. 967. To alter and rearrange the boundary lines of the Town of Flomaton, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory in Escambia County, Alabama, contiguous of said Town.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Ellis, Flippo, Foshee, Gilmore, Givhan, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Perloff, Perry, Powell, St. John, Shelby, Stewart, Torbert, Waldrop, Wilson.

— 25

*Nays:*

— 0

*The Bill:*

S. 959. To authorize all counties having populations of not less than 24,900 nor greater than 25,150 according to the most recent federal decennial census, to construct and maintain, wholly within the county, offices for persons engaged in the diagnosis, treatment and cure of sick and injured persons, buildings to house or service equipment used for the diagnosis or treatment of sick or injured persons or the records of such diagnosis or treatment or research with respect thereto, and appurtenant facilities (and to acquire sites therefor); to authorize any such county to borrow money and to issue interest-bearing bonds, warrants and notes for the purpose of financing the construction of any such offices, buildings and facilities, and the acquisition of such sites; to provide that such bonds, warrants or notes may be general obligations of the issuing county or may be limited as to their source of payment and to authorize special pledges therefor; to authorize any such county to lease to one or more physicians all or any part of such offices, buildings and facilities; to prescribe certain conditions precedent that must be complied with before a county may construct or finance any such offices, buildings and facilities; to prohibit a county from leasing or renting any such offices, buildings or facilities unless the lease or rental arrangement obligates the lessees or tenants to pay rental aggregating not less than the fair rental value thereof; and to provide that the failure of any such county to comply with the provisions of this act relating to the leasing or renting of such offices, buildings or facilities shall not affect the validity or legality of any securities issued for the purpose of constructing such offices, buildings and facilities.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Edwards, Ellis, Fine, Flippo, Gilmore, Givhan, Jones, King, Little, Littleton, McMillan, Mitchell, Noonan, Pearson, Perloff, Perry, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

— 25

*Nays:*

—0

The Bill:

S. 988. Relating to Walker County; levying a 4 mill ad valorem tax to be paid to the Walker County Board of Education and distributed by the Walker County Board of Education in accordance with amendment No. 204 to the 1901 Constitution of the State of Alabama; providing for the purposes to which the funds provided by said tax are to be put; further providing that such tax shall take effect upon being approved by the voters of said county in an election to be called by the governing body of Walker County, Alabama and pursuant to the Constitution of Alabama and the law relating thereto.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Abstaining 2.

*Yeas:*

Messrs. Adams, Bank, Clemon, Ellis, Fine, Flipppo, Foshee, Gilmore, Jones, King, McDonald (A), McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

*Abstaining:* Messrs. Baker, Edwards.

—2

The Bill:

S. 1021. To protect and preserve water purification and prevent water contamination by prohibiting strip mining in certain areas contiguous to Lewis Smith Lake in counties having populations of not less than 50,000 nor more than 52,500 inhabitants, according to the most recent federal decennial census; to prescribe penalties for violations; and generally to promote the health and welfare of the inhabitants of such counties.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Edwards, Ellis, Fine, Gilmore, Givhan, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 1025. To protect and preserve water purification and prevent water contamination by prohibiting strip mining in certain areas

contiguous to Lewis Smith Lake in counties having populations of not less than 16,600 nor more than 16,950 inhabitants, according to the most recent federal decennial census; to prescribe penalties for violations; and generally to promote the health and welfare of the inhabitants of such counties.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Fine, Flippo, Foshee, Givhan, Jones, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 1022. Relating to Tuscaloosa County, to provide further for the compensation of members of boards of registrars in such counties.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Perry, Powell, Roberts, Shelby, Stewart, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1040. To provide for and create the Greene County Racing Commission, for the regulating, licensing and supervision of Greyhound racing and wagering thereon; to prescribe the composition, appointment, powers, and duties of the commission; to provide for and regulate the parimutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the act; and to provide certain penalties for the violation of this act and for other purposes relative thereto, and to provide for a referendum of the voters of the county on the question of whether the act will become effective in the county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Abstaining 2.



*Yeas:*

Messrs. Adams, Bank, Clemon, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Shelby, Stewart, Vacca, Waldrop.

—25

*Nays:*

—0

*Abstaining:* Messrs. Baker, Edwards.

—2

The Bill:

H. 619. To further amend Section 1 of Act No. 81, H. 76, 1967 Special Session (Acts of 1967, p. 114, now appearing in Code of Alabama, Recompiled 1958, as Title 13, Section 125 (79a)) so as to provide that the secretary of the district attorney for the nineteenth judicial circuit of Alabama shall be paid the same salary as that of the top step position for a clerk stenographer three in state service.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Edwards, Ellis, Fine, Givhan, Jones, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Pearson, Perloff, Perry, Powell, Roberts, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 693. Authorizing the county commission of Sumter County to pay the sheriff of Sumter County a monthly expense allowance of two hundred fifty dollars (\$250.00).

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perry, Powell, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 487. To Amend Sections 2, and 6 of Act No. 1703, H. 2502 of the 1971 Regular Session (Acts 1971, p. 2862), entitled, "An act to establish a Sumter County court of record for Sumter County, Alabama, to define its jurisdiction and powers; to provide for its officers, their powers and duties

and compensation; to provide that said court shall be open at all times for the trial of cases and transaction of business; to provide the rules and procedure for said court; to provide a fine and forfeiture fund for said court; and to abolish the county court of Sumter County, Alabama," so as to provide an expense allowance for the judge of said court, and to increase the jurisdictional amount of said court.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Fine, Flippo, Gilmore, Givhan, Jones, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1363. Relating to Counties having populations of not less than 27,000 nor more than 27,500 providing further for the distribution of fines and forfeitures from convictions in certain cases of traffic violations in such counties.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Flippo, Foshee, Givhan, Jones, King, Littleton, McDonald (A), McDonald (S), Mims, Owen, Pearson, Perloff, Perry, Powell, Roberts, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1330. Relating to Morgan County; to provide that the Sheriff shall be entitled to the allowances payable by the state for feeding prisoners; to provide that the provisions of this Act shall be retroactive to October 1, 1974.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Givhan, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Perloff, Perry, St. John, Stewart, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1329. Providing for a county board of equalization and adjustment for Morgan County; providing for abolishing the existing County Board of Equalization and transferring its duties to the County Board of Equalization and Adjustment; further regulating the appointment and removal of the members of the board, the terms of service, the compensation, the expense allowance of the members of the board; making further provision in regard to office space, office furniture and supplies of the board, and providing for the employment of clerks and other employees of the board; providing for the operation of the board; and adopting certain provisions of the statutes applicable to county boards of equalization; and providing for the severability of the provisions of the act and for its effective date.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1389. Relating to Coosa County, providing monthly expense allowances for the tax assessor, tax collector, and circuit clerk of said county; and giving this Act retroactive effect.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following substitute for the Bill, H. B. 1389, to-wit:

COMMITTEE SUBSTITUTE FOR H. B. 1389

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Coosa County, providing monthly expense allowances for the tax assessor and tax collector of said county; and giving this Act retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The tax collector and the tax assessor of Coosa County shall each be entitled to and shall receive a monthly expense allowance, in addition to any and all salary, expense allowance or other compensation now payable to such persons, of \$250.00, payable in monthly installments from the general fund of such county.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective February 1, 1975.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Pearson, Perloff, Powell, Roberts, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

And said Bill, H. B. 1389, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Pearson, Perloff, Powell, Roberts, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1376. Relating to all counties having populations of not less than 22,000 nor more than 22,500, according to the most recent federal decennial census; providing further for the distribution of fines and forfeitures from convictions in certain cases of traffic violations; validating, ratifying and confirming all prior deposits of such fines and forfeitures; repealing all conflicting laws and parts of laws, general, local, and special.

was taken up.

Mr. Mitchell offered the following amendment to the Bill, H. B. 1376, to-wit:

#### AMENDMENT TO H. B. 1376

In Section 1, on page 1, line 32, add the following sentence at the end of the section:

Of the funds paid into the general fund of the county, one-half shall be appropriated for the use of the sheriff's office and the remainder shall be used as the county governing body shall determine.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Fine, Flippo, Foshee, Givhan, King, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Roberts, Shelby, Stewart, Torbert, Waldrop, Wilson.

—25

*Nays:*

—0

And said Bill, H. B. 1376, as thus amended, was then read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Fine, Flippo, Foshee, Givhan, King, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Roberts, Shelby, Stewart, Torbert, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

H. 968. Relating to any county having a population of not less than 39,500 nor more than 41,750, to abolish the fine and forfeiture fund of such county; to provide for the payment of certain fines and forfeitures collected into the general fund of the county; to provide for the payment of certain claims from the general fund of the county in lieu of the fine and forfeiture fund and to provide for the registration of those claims now outstanding and those hereafter accruing.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 983. To amend Section 1 of Act No. 140, Special Session, 1966, Page 170 relating to Shelby County, which authorized the County Governing body to appropriate funds for retirement benefits to certain county employees by increasing the retirement benefits from \$75.00 per month to \$150.00 per month commencing as of January 1, 1975.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Fine, Flippo, Foshee, Gilmore, Givhan, Littleton, McDonald (A), McDonald (S), McMillan, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—25

*Nays:*

—0

The Bill:

H. 1005. Relating to counties having populations of not less than 34,100 nor more than 34,900 according to the most recent federal decennial census; to regulate further the taking of fish from public streams; authorizing the taking of non-game fish by the use of wire mesh baskets, on which a privilege license tax has been paid; prohibiting the taking of non-game fish from public lakes; prohibiting the sale of fish so taken; prescribing penalties for violation of this act.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Givhan, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 990. Relating to Calhoun County; to provide that the provisions of Act No. 384, H. 946, 1969 Regular Session (Acts of 1969, p. 754) which provides a civil service system for the employees of the sheriff's office of Calhoun County shall apply to certain regular employees of Calhoun County; to enlarge the civil service board, created by said Act No. 384 and provide further for the appointment of members of such board; to repeal Act No. 138, S. 294, 1951 Regular Session (Acts of 1951, p. 363) and other conflicting acts.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Littleton, McDonald (A), McDonald (S), McMillan, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 966. To authorize and provide for the establishment of emergency medical services for the sick, infirm and injured in Russell County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1014. Relating to Etowah County, to authorize the Etowah County Commission, to impose an additional privilege or excise tax upon the sale, use or consumption of malt or brewed beverages within such counties; providing for the administration of the Act and the collection and distribution of proceeds of the tax.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Fine, Flippo, Foshee, Jones, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1015. To prescribe duties and powers of the stenographic secretaries of the District Attorney of the Sixteenth Judicial Circuit.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1016. Relating to Etowah County; authorizing the Etowah County Commission to impose a privilege or license tax upon the sale,

distribution, storage, use or other consumption of cigarettes in said county; providing for enforcement and collection of the tax, and making provisions for the distribution of the proceeds.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 1016, to-wit:

COMMITTEE AMENDMENT TO HOUSE BILL 1016

In Section 2, by adding on line 15 after the "of" the following words: "up to".

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (S), McMillan, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, Shelby, Stewart, Torbert, Vacca, Waldrop.

—25

*Nays:*

—0

And said Bill, H. B. 1016, as thus amended, was then read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (S), McMillan, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, Shelby, Stewart, Torbert, Vacca, Waldrop.

—25

*Nays:*

—0

The Bill:

H. 1020. To amend Act No. 1242, H. 1633, 1971 Regular Session (Acts 1971, p. 2144) entitled "An Act Relating to Cullman County; to prescribe the amount of the director's fee which may be paid to members of the board of directors of certain gas districts", so as to increase the amount of the director's fee.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Ellis, Flippo, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), Mitchell, Noonan, Owen, Pearson, Perry, Powell, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0



The Bill:

H. 1045. Relating to Morgan County; to alter, rearrange and extend the boundary lines and corporate limits of the Town of Trinity.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Clemon, Edwards, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McMillan, Mims, Noonan, Pearson, Perloff, Perry, Powell, Roberts, St. John, Stewart, Torbert, Vacca, Wilson.

—25

Nays:

—0

The Bill:

H. 1099. To apply in all counties having populations of not less than 55,500 nor more than 56,500, according to the most recent Federal decennial census, regulating the compensation of election officers.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Fine, Foshee, Givhan, Jones, King, McDonald (A), McDonald (S), McMillan, Mims, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 1063. Relating to Houston County; to provide an additional expense allowance for the Coroner.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Edwards, Ellis, Flippo, Foshee, Gilmore, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 1127. To authorize the county commission or other like governing body of Geneva County to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof,

within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Edwards, Ellis, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (S), Mims, Mitchell, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1128. To alter or rearrange the boundary lines of the Town of Gulf Shores, Baldwin County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Baldwin County, Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Clemon, Edwards, Ellis, Fine, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1159. To alter or rearrange the boundary lines of the City of Geneva, Geneva County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Geneva County, Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Littleton, McDonald (A), Mims, Noonan, Owen, Pearson, Perry, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

**The Bill:**

H. 1253. Relating to Walker County; amending Act No. 598, H. 1640, Regular Session 1973 (Acts 1973, p. 858), which act creates the office of Assistant District Attorney for the Fourteenth Judicial Circuit, so as to provide further for the compensation of such assistant.

Was read a third time at length and passed.

Yeas 25; Nays 0.

**Yeas:**

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Givhan, Jones, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Roberts, St. John, Stewart, Vacca, Waldrop, Wilson.

—25

**Nays:**

—0

**The Bill:**

H. 1246. Relating to counties having a population of not less than 12,000, nor greater than 12,800, according to the latest Federal decennial census; allowing the clerk of the county court to destroy county court warrants, with the exception of unexecuted arrest warrants, after two years from the date of service of said warrant.

Was read a third time at length and passed.

Yeas 25; Nays 0.

**Yeas:**

Messrs. Bank, Edwards, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

**Nays:**

—0

**The Bill:**

H. 1254. Relating to Walker County; to abolish the office of Solicitor of the County Court of Walker County and transfer all duties of said office to the district attorney's office of said county, providing also that the salary heretofore payable to the solicitor of the County Court of Walker County shall hereafter be transferred to the district attorney's office of the Fourteenth Judicial Circuit to be used for the salary of the assistant district attorney.

Was read a third time at length and passed.

Yeas 25; Nays 0.

**Yeas:**

Messrs. Adams, Baker, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen,

Perloff, Perry, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

**The Bill:**

H. 1245. Amending further Section 1 of Act No. 121, H. 22, Special Session 1971 (Acts 1971, p. 204), as amended, fixing the fee for pistol permits in counties having a population of not less than 12,000 nor more than 12,800 so as to provide for the distribution of fees collected by issuance of such permits.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Jones, King, Little, Littleton, McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perry, Powell, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

**The Bill:**

H. 248. To repeal Act No. 1205, H. 31, 1971 Regular Session (Acts of 1971, p. 2091), entitled "An Act Relating to counties having a population of not less than 34,100 nor more than 34,900 according to the most recent federal decennial census; to provide further for the type of newspapers in which certain notices required to be published in newspapers under the provisions of Section 713, Title 7, Code of Alabama 1940, may be published."

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

—25

*Nays:*

—0

**The Bill:**

H. 422. To provide further for the salary of any deputy clerk or register in a city other than the county seat in counties having a population of not less than 33,550 nor more than 34,000 according to the most recent federal decennial census.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Flippo, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, Shelby, Torbert, Vacca, Waldrop.

—25

*Nays:*

—0

The Bill:

H. 427. To provide an increase in salary for the deputy circuit clerk serving in the western one-half ( $\frac{1}{2}$ ) of all counties having a population of not less than 33,550 nor more than 34,000 inhabitants according to the most recent or any subsequent federal decennial census.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, Mims, Mitchell, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 441. Relating to the coroner's office in Franklin County; to provide for the coroner to appoint a deputy coroner; to prescribe the duties and compensation of said office; to provide for an increase in the compensation of the coroner's secretary and to repeal all conflicting statutes.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Fine, Flippo, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 188. Relating to the unincorporated community of Arrowhead in Montgomery County; providing that whenever the owner of a vacant platted lot contiguous to a dwelling fails or refuses to mow the grass and weeds thereon and/or collect debris therefrom after ten days written notice or by notice posted on said vacant platted lot by any adjacent householder or county engineer upon demand thereafter by such householder the

county engineer shall have it done and send the lot owner the bill for the reasonable cost of such services, which shall become a lien upon the real property; and provided adjoining householder who enters premises in pursuant to this act shall not be a trespasser.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Powell, Roberts, St. John, Shelby, Stewart, Torbert.

—25

*Nays:*

—0

The Bill:

H. 295. To repeal Act No. 432, S. 665, 1973 Regular Session (Acts of 1973, p. 625), and Act No. 583, H. 1603, 1973 Regular Session (Acts of 1973, p. 840), which are identical Acts and which are both entitled "An Act Relating to counties having populations of not less than 10,660 nor more than 10,900 according to the most recent federal decennial census; to provide for an expense allowance for the sheriff in such counties; to repeal conflicting laws."

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Clemon, Edwards, Flippo, Foshee, Gilmore, Givhan, Little, Littleton, McDonald (A), McDonald (S), McMillan, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 529. To amend Article X, Section 10.1 of Act No. 404, S. 430, Regular Session 1953 (Acts 1953, p. 472) providing for the Council-Manager form of government in cities having a population of not less than 30,000 nor more than 33,000 according to the most recent federal decennial census, so as to provide that the question of the abandonment of the Council-Manager form of government may not be re-submitted within two years after any other election thereon.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Bank, Clemon, Ellis, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen,

Pearson, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

— 25

*Nays:*

— 0

The Bill:

H. 530. Relating to Calhoun County; to relieve and exempt the license commissioner from personal liability for errors, mistakes and omissions of employees serving under him.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Edwards, Ellis, Fine, Flipppo, Gilmore, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Wilson.

— 25

*Nays:*

— 0

The Bill:

H. 717. Relating to counties having a population of not less than 15,400 and not more than 15,625, according to the last federal decennial census; to provide that the county commission or other like governing body shall provide without charge therefor, appropriate office space in the county courthouse for any member of the state legislature representing any portion of such counties.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Ellis, Fine, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (A), McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

— 25

*Nays:*

— 0

The Bill:

H. 294. Relating to Coosa County; to provide an expense allowance for the sheriff and to give the provisions of this Act retroactive effect.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Clemon, Edwards, Flipppo, Foshee, Gilmore, Givhan, King, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan,

Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 597. To provide for additional compensation and method of payment of the Clerk of the Court of Marion County, Alabama, In Law.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Gilmore, Givhan, Jones, King, Little, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—25

*Nays:*

—0

The Bill:

H. 599. To make an appropriation from the Marion County treasury for the relief of Ronnie Cook.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 598. To make an appropriation from the Marion County treasury for the relief of Ray Howell.

Which was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Clemon, Ellis, Fine, Flippo, Foshee, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), Mims, Mitchell, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0



**The Bill:**

H. 653. Further relating to commercial fishing in public waters in all counties having populations of not less than 18,500 nor more than 20,500; to authorize and provide for a commercial fisherman's helper for certain such fishermen; to provide for the issuance of permits for such helpers; to prescribe the fees for such permits; to provide for their collection and distribution; and to prescribe penalties for violations of this act.

Was read a third time at length and passed.

Yeas 25; Nays 0.

**Yeas:**

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Flipppo, Givhan, Jones, King, Little, Littleton, McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

—25

**Nays:**

—0

**The Bill:**

H. 582. Relating to counties having a population of not less than 14,000 nor more than 15,000 inhabitants according to the most recent federal decennial census, providing that persons serving on jury duty in such counties shall receive \$10.00 per day for such service, in addition to mileage of 10¢ per mile, and repealing all conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

**Yeas:**

Messrs. Bank, Clemon, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perry, Powell, Roberts, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

**Nays:**

—0

**The Bill:**

H. 581. Relating to counties having a population of not less than 14,000 nor more than 15,000 inhabitants according to the most recent federal decennial census, providing that the circuit court bailiffs of such counties shall receive ten dollars (\$10) per day for each day of service.

Was read a third time at length and passed.

Yeas 25; Nays 0.

**Yeas:**

Messrs. Bank, Clemon, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perry, Powell, Roberts, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 833. To amend further Act No. 273, S. 292, approved August 7, 1947, (1947 Local Acts, p. 196), as amended and as last amended, which is designated "The Civil Service Act of Dothan".

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Fine, Flippo, Foshee, Gilmore, Jones, King, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Pearson, Perloff, Perry, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 594. To alter, re-arrange and extend the boundaries of the Town of Kinsey, in Houston County, Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Givhan, King, Little, Littleton, McDonald (A), Mims, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 630. To alter or rearrange the boundary lines of the Town of Gulf Shores, Baldwin County, Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, Little, Littleton, McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, Perry, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 817. To provide for an additional expense allowance for the coroner of Blount County; to make the provisions of this Act retroactive.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Stewart, Torbert, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 861. Relating to Coosa County, to amend Section 4 of Act No. 102, H. 222, Regular Session 1969 (Acts of 1969, p. 383), which act levys a sales and use tax on the sale and distribution on malt or brewed beverages, so as to allow the sheriff to confiscate such beverages which are untaxed.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Flippo, Gilmore, Givhan, Jones, King, Little, Littleton, McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca.

—25

*Nays:*

—0

The Bill:

H. 893. To amend Section 1, Act No. 667, H. 1789, Regular Session 1973 (Acts of 1973, p. 1005), entitled "An Act Relating to all counties having populations of not less than 16,245 nor more than 16,300; providing additional clerk hire allowances for the offices of the probate judge, tax assessor, tax collector and circuit clerk in such counties," so as to provide for an increase in the amount of said allowances.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, McDonald (A), McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Perry, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 894. To amend Section 1 of Act No. 665, H. 1787, 1973 Regular Session (Acts of 1973, p. 1004), entitled "An Act To provide expenses allowances for members of the county commission of all counties having populations of not less than 16,245 nor more than 16,300 according to the most recent federal decennial census," so as to increase the amount of the expense allowance.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Flippo, Gilmore, Jones, King, Little, McDonald (A), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Wilson.

—25

*Nays:*

—0

The Bill:

H. 929. Relating to Coosa County; providing additional expense allowance for members of the county commission, making the provisions of this act retroactive.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, Littleton, McDonald (S), McMillan, Mims, Mitchell, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 950. Relating to Colbert County; to provide for the compensation of certain officers and officials in such county; to provide for referendum approval of said compensation as to each officer and to repeal laws or parts of laws in conflict with the provisions hereof which become effective.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Perry, Powell, Roberts, St. John, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

**The Bill:**

H. 265. To require at least one member of the board of registrars in all counties having populations of not less than 150,000 nor more than 180,000 according to the most recent or any subsequent decennial census to visit each legislative house district for the purpose of accepting forms for the reidentification of voters and for the purpose of accepting applications for the registration of voters; to provide for the designation of places to be visited; to provide further for the compensation and mileage of members of the board.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Bank, Clemon, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Little, McMillan, Mitchell, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Waldrop, Wilson.

—25

*Nays:*

—0

**The Bill:**

H. 823. Relating to all counties having populations of not less than 125,000 nor more than 175,000 according to the most recent federal decennial census, to authorize and provide for an additional expense allowance for the sheriff.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Edwards, Ellis, Flipppo, Foshee, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Perry, Powell, Roberts, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

**The Bill:**

H. 976. Relating to Coosa county; to provide further for the type of newspapers in which certain notices required to be published in newspapers under the provisions of Section 713, Title 7, Code of Alabama 1940, may be published.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Bank, Clemon, Ellis, Fine, Flipppo, Gilmore, Givhan, King, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Owen, Pearson,

Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 935. To amend further the title and Section 1 of Act No. 853, H. 1152, Regular Session 1961 (Acts 1961, p. 1292), as amended, which requires the commissioner and state department of revenue to collect sales taxes for the town of Camp Hill, Tallapoosa County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Stewart, Torbert, Vacca, Waldrop.

—25

*Nays:*

—0

The Bill:

H. 838. To further amend Act No. 103, H. 372, Regular Session 1963 (Acts 1963, V. 1, p. 486) an Act fixing the compensation of the Walker County Superintendent of education.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Fine, Flipppo, Foshee, Givhan, Jones, King, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 957. Relating to counties having a population of not less than 14,000 nor more than 15,000 inhabitants according to the most recent federal decennial census; to provide an increased clerk hire allowance for certain county officials.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Ellis, Fine, Flipppo, Gilmore, Givhan, Jones, King, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:* —0

The Bill:

H. 870. Providing for the method of acknowledging full or partial satisfaction of any recorded mortgage or other lien in the records of the office of the Judge of Probate of Shelby County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, King, Little, Littleton, McDonald (A), McDonald (S), Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:* —0

The Bill:

H. 871. To authorize the county governing body of Shelby County to appropriate funds for lunches and an allowance of not more than \$1.00 per week per prisoner sentenced to and performing hard labor in Shelby County, as a weekly allowance for such prisoners and to purchase lunches for those prisoners who are at hard labor away from the county jail.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Givhan, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:* —0

The Bill:

H. 872. To require the installation and maintenance of an improved system of recording documents affecting the title to property and other documents and recorded in the office of the Judge of Probate of Shelby County; to provide that said system shall constitute official and permanent records in Shelby County; to provide for a special index fee of \$1.00 in addition to all existing recording fees and charges, for each such document hereafter filed for record in Shelby County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), Noonan, Owen,

Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca.

—25

*Nays:*

—0

*The Bill:*

H. 873. To authorize the county governing body of Shelby County to adopt a resolution and thereby authorize all polling places to remain open between the hours of 8:00 a.m. and 7:00 p.m. at all state and local elections held within such counties.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Flipppo, Foshee, Gilmore, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

*The Bill:*

H. 874. To prohibit the Probate Judge or any other official or any employee of Shelby County from selling, lending, giving, or otherwise disposing of a computer printout of the list of registered voters of Shelby County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, Littleton, McDonald (A), McDonald (S), McMillan, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

*The Bill:*

S. 1038. To amend the title and Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 21 and 24A and strike Sections 17, 18, 19 and 20 of Act No. 96, H. 490, Regular Session 1965 (Acts 1965, p. 1974) which relates to the establishment of an inferior court in Jefferson County known as the Civil Court of Jefferson County.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.



*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Roberts, Shelby, Stewart, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 1068. To amend Section 68 of Title 52 of the 1940 Code of Alabama relating to compensation of members of the County Board of Education and to fix the compensation of members of the County Board of Education in all counties having a population of 600,000 persons or more according to the last or any succeeding federal census.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Perloff, Perry, Powell, Roberts, Shelby, Stewart, Vacca, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

S. 1112. To authorize and provide for the incorporation in each city in the State having a population of 250,000 or more according to the last or any subsequent Federal census of one or more public corporations for the purpose of providing products markets, exhibition halls, coliseums and buildings and related structures for the display of products or the conduct of exhibitions, contests and sporting events in order to encourage the industrial, economic and commercial development of such cities, the counties in which they are located, and the State, and to promote interests in sports, and amusements; to provide for the election or appointment of directors and officers of such corporation; to specify the powers of such corporation, including the exercise of the power of eminent domain: to empower such corporation to enter into management contracts and other agreements with private entities for management of any project developed by it; to empower the municipality in which such corporation is organized to enter into a lease agreement with such corporation for lease by such municipality of any project developed by the corporation for a term of up to thirty years; to empower the municipality in which such corporation is organized, as well as any other municipality in the same county as such municipality, as well as the county itself to make capital investments in such corporation; to authorize the county in which such corporation is organized, any public corporation formed with its consent or approval, any public corporation formed with the consent or approval of such municipality, any other municipality located in such county, any public corporation formed with its consent or approval and the State of Alabama or any of its corporate agencies to enter into leases for use by them of any project developed by such corporation; to provide certain terms and

conditions for such leases; to authorize the donation of property by such municipality, the county in which the same is located, any other municipality in such county, or the State to such corporation; to authorize the appropriations of funds by such municipality, the county in which the same is located, any other municipality in such county, or the State of Alabama to or for the benefit of such corporation; to authorize the sale and issuance by such corporation of interest-bearing revenue bonds and refunding revenue bonds, payable solely out of the rent, revenues and income from the project or projects with respect to which they are issued; to specify the provisions which may be included in such bonds and to declare them to be negotiable instruments; to authorize and provide for an indenture of trust under which such bonds may be issued; to provide for certain remedies in favor of the holder or holders of any bonds issued by such corporation upon default on the same, but limiting such remedies to preclude foreclosure upon any project of such corporation, or any other remedy by which the holder or holders of such bonds may gain ownership, title or possession of such project; to specify the use to which the proceeds of such bonds may be put; to authorize the investment of funds of such corporation not presently needed; to exempt from taxation properties of the corporation and the income therefrom, the said leases, the said bonds and the income therefrom and the said indentures; to provide that such bonds shall be legal investments for fiduciaries, savings banks and insurance companies; to authorize the investment of idle and surplus funds of such municipality, the county in which the same is located, and any other municipality in such county in such bonds; to authorize the publication of notice of the adoption of the resolution authorizing such bonds and providing a short statute of limitation for the institution of action or the making of defenses respecting the validity of said bonds, pledge, indenture and lease; to provide for the vesting in such municipality of title to each project of such corporation upon payment of all bonds issued with respect to such project; to provide for payment of any surplus monies held by such corporation at the end of any fiscal year thereof in excess of \$250,000 or such greater sum as may be approved by the governing body of such municipality, in excess of any reserves necessary to secure payment of any indebtedness of the authority, to such municipality; to provide for transfer of the assets of any corporation organized pursuant to the provisions of Act No. 174 of the First Special Session, 1965 (1965, First Extra Session, pp. 224, et seq.) in the county in which such municipality is located which has no bonded or otherwise secured indebtedness to such corporation; to provide for the directors of such a corporation organized pursuant to the provisions of said Act No. 174 to be the initial directors of such corporation if willing to serve as such; and, to provide for the dissolution of such corporation.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Clemon, Edwards, Ellis, Flippo, Foshee, Gilmore, Givhan, Jones, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

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*Nays:*

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The Bill:

H. 6. To authorize any county in Alabama having a population of 600,000 or more according to the most recent federal decennial census and any incorporated municipality situated therein to cooperate with other governmental subdivisions, public agencies, public corporations and authorities in the construction of new residential water mains and pipes of an approved public water supply system and the extension of presently existing approved public water supply system mains and pipes to all areas of such county not presently served by an approved public water supply system; to authorize the costs of construction and installation of said mains and pipes, together with the costs of any improvements made thereon, or any portion of said costs, to be assessed against the property abutting on the streets, avenues, alleys, highways, or other public places so improved or served by said mains or pipes to the extent of the increase in value of such property by reason of the special benefits derived from such mains or pipes and from their construction, extension or improvement by the county or incorporated municipality; and, as other means of financing such construction, extension or improvement, to authorize the issuance of revenue bonds and the payment of monies out of general and special funds of such county or municipality and out of funds received from the State of Alabama and from the United States Government; and to provide low cost loans to affected property owners.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Shelby, Torbert, Vacca, Wilson.

—25

*Nays:*

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The Bill:

H. 505. Relating to all cities having populations of 300,000 or more inhabitants, according to the most recent federal decennial census, to prohibit the establishment of any private vocational, industrial, technical, or trade school within one hundred fifty feet of the boundaries upon which single-family or multiple-family residences are located, unless all such property owners consent; and certain exemptions thereto.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Ellis, Fine, Flippo, Gilmore, Givhan, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Shelby, Torbert, Vacca, Wilson.

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*Nays:*

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The Bill:

H. 506. To amend Sections 279, 280, 282, 283, 284, 285, 288 and 289 of Title 62 of the 1940 Code of Alabama, which sections regulate the licensing, teaching and practice of cosmetology in Jefferson County.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following amendment to the Bill, H. B. 506, to-wit:

#### COMMITTEE AMENDMENT TO H. 506

Delete in Section 1 the words as they appear on lines 6 and 7 "or to act as a demonstrator".

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Gilmore, Little, Littleton, McDonald (A), McDonald (S), McMillan, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

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*Nays:*

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The Standing Committee on Local Legislation No. 2 then reported the following amendment to the Bill, H. B. 506, as amended, to-wit:

#### COMMITTEE AMENDMENT TO H. 506

Delete in Section II all of Subsection F. entitled "Demonstrator".

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Gilmore, Little, Littleton, McDonald (A), McDonald (S), McMillan, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

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The Standing Committee on Local Legislation No. 2 then reported the following amendment to the Bill, H. B. 506, as amended, to-wit:

#### COMMITTEE AMENDMENT TO H. 506, AS AMENDED

Add in Section II following the last sentence in Subsection A the following words:

"Provided, however, that nothing in this Act shall apply to persons primarily engaged in the business of selling at retail cosmetic products and wigs who may have incidental contact with the person of another during the course of making such sales."

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Gilmore, Little, Littleton, McDonald (A), McDonald (S), McMillan, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

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The Standing Committee on Local Legislation No. 2 then reported the following amendment to the Bill, H. B. 506, as amended, to-wit:

**COMMITTEE AMENDMENT TO H. 506, AS AMENDED**

Amend H. B. 506 by adding at the end of Section V-1-C the following:

“Any applicant in a cosmetology school as of the effective date of this Act shall only have to have received in accordance with the curricular established by the board 1000 hours of instruction in theory and practice in classes actually attended by the applicant.”

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Gilmore, Givhan, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Pearson, Perloff, Perry, Powell, Roberts, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

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*Nays:*

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Mr. McMillan offered the following amendment to the Bill, H. B. 506, as amended, to-wit:

**COMMITTEE AMENDMENT TO H. B. 506, AS AMENDED**

Amend H. B. 506, Section VII, Page 5, by striking in its entirety subsection “J”.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Givhan, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

And said Bill, H. B. 506, as thus amended, was then read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Flipppo, Gilmore, Givhan, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

H. 637. To amend Act No. 639 of the Regular Session of the Legislature of Alabama of 1973 (Acts, 1973, pages 946-948), which Act levied an additional pistol permit fee in counties having a population of 500,000 or more, according to the last or any subsequent federal decennial census and established a Sheriff's Fund and a Legislative Fund, so as to provide for the appropriation by the county governing body of said funds.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following amendment to the Bill, H. B. 637, to-wit:

#### COMMITTEE AMENDMENT TO H. B. 637

Amend Section 3 of Section 1 on page 2, line 21, at the end of subparagraph (b) by adding the following:

"A portion of the Sheriff's Fund shall be used for an investigation of all applicants for concealed pistol permits, said investigation to be for the purpose of ascertaining whether the applicant is physically, mentally and emotionally capable of handling a concealed weapon constructively. Upon completion of the investigation, the investigator shall file a sworn statement with the application, stating that he has made a thorough investigation of the applicant's background, and based upon the information, the applicant is qualified to carry a concealed handgun under the laws of the State of Alabama."

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Ellis, Flipppo, Foshee, Gilmore, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Pearson, Perloff, Perry, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

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The Standing Committee on Local Legislation No. 2 then reported the following amendment to the Bill, H. B. 637, as amended, to-wit:

## COMMITTEE AMENDMENT TO H. B. 637, AS AMENDED

Amend H. B. 637, Section 4, (c), by changing the comma to a period, and deleting the following:

"including postage not to exceed one hundred dollars for each calendar year, for each member of the House of Representatives and Senate elected in or from the districts situated entirely or partially within any such county."

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Ellis, Flippo, Foshee, Gilmore, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Pearson, Perloff, Perry, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

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*Nays:*

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And said Bill, H. B. 637, as thus amended, was then read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Bank, Clemon, Edwards, Ellis, Flippo, Foshee, Gilmore, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

H. 746. To provide for the rehabilitation of persons convicted of crime and sentenced to a term of confinement or detention and treatment in the county jail or other correctional facility of any county of this State having a population of 500,000 or more, according to the last or any subsequent Federal Census, and to provide that a jail or other correctional facility operated by such county in cooperation with another county or other counties shall be a correctional facility of such county within the meaning of this Act.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Givhan, Jones, King, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Pearson, Perry, Powell, Roberts, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

H. 845. To provide for the appointment, duties and compensation of the First Assistant Deputy District Attorney, Second Assistant Deputy District Attorney, Third Assistant Deputy District Attorney and Fourth Assistant Deputy District Attorney in counties having a population of six hundred thousand or more, according to the last or any succeeding decennial federal census where the Deputy District Attorney is elected by the people.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Fine, Foshee, Gilmore, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Roberts, St. John, Shelby, Stewart, Vacca, Wilson.

—25

*Nays:*

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The Bill:

H. 970. To authorize the City of Vestavia Hills, Alabama to pay Roland L. Paulin for certain expenses as a result of an injury to his son, Mark Paulin.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Clemon, Edwards, Ellis, Foshee, Gilmore, Jones, Little, Littleton, McDonald (A), McDonald (S), McMillan, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

—25

*Nays:*

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The Bill:

H. 1009. To apply to every County of this State having a population of 600,000 or more according to the last or any subsequent Federal Census; to provide that the officers and employees of any public corporation created by such County to operate a hospital shall be members of any pension system established for the officers and employees of the County, subject to the exceptions, terms and conditions stated in the Act.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Ellis, Fine, Flipppo, Gilmore, Givhan, Jones,



King, Littleton, McMillan, Mims, Mitchell, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

H. 1010. To provide that in each county of this State having a population of 500,000 or more, according to the last or any subsequent federal census, it shall be the duty of the governing body of the county to adopt whatever regulations the governing body deems appropriate requiring motor vehicles owned or controlled by the county, excluding those in the Sheriff's Department owned or controlled by the county, to be so painted and otherwise marked as to be easily identifiable as county vehicles; to authorize the governing body to prescribe different colors and signs for county motor vehicles used in the Sheriff's Department and county vehicles used in other county departments; to require that the regulations the county governing body adopts hereunder shall be contained in a resolution adopted by the governing body; and to provide that a violation of any of the provisions of any regulation adopted under this Act shall constitute a misdemeanor, and shall be punishable as provided for in Section 327, Title 15, Code of Alabama of 1940.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Ellis, Fine, Flippo, Gilmore, Givhan, Jones, King, Littleton, McMillan, Mims, Mitchell, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

H. 1110. Relating to Jefferson County; to prescribe the compensation of the Assistant Sheriff for the Bessemer Division of said county and to repeal all conflicting statutes.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Clemon, Edwards, Ellis, Flippo, Gilmore, Givhan, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

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*Nays:*

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The Bill:

H. 1178. To fix the compensation of the mayor of any municipality in Jefferson County who is employed fulltime by a municipality, municipal

board or municipal public corporation to serve as superintendent of one or more of certain utility systems owned and operated by such municipality, municipal board or municipal public corporation pursuant to the provisions of Title 37, Section 440, Alabama Code 1940, as amended.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Foshee, Gilmore, Jones, King, Littleton, McDonald (A), McDonald (S), McMillan, Pearson, Perloff, Perry, Powell, Roberts, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

H. 1192. To apply in every county of the State having a population of 600,000 or more according to the last or any subsequent Federal Census; to define a city school district as any school district in the County the boundaries of which district are coterminous with the boundaries of a municipality; to provide that the County shall pay all expenses of any election on the levy of a proposed city school district tax; to provide that the municipality, or the City Board of Education, receiving such tax, or which would have received such tax if the levy had been approved at the election, shall reimburse the County for all such expenses paid by the County; and to provide that the Act shall apply so as to require such reimbursement with respect to any election which has been held, or shall have been held, subsequent to the first day of January in that year wherein such County becomes subject to this Act.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Flippo, Gilmore, Jones, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Pearson, Perloff, Perry, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

H. 1397. To provide further for the compensation of certain election officers and workers in counties which have a population in excess of 500,000, according to the most recent federal decennial census, and to repeal all conflicting statutes.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Givhan, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Pearson, Perloff, Perry, Powell, St. John, Stewart, Torbert, Vacca, Wilson.

—25

*Nays:*

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The Bill:

H. 1462. Fixing supplemental salaries for each District Court Judge in Jefferson County, Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Little, Littleton, McDonald (A), McDonald (S), McMillan, Noonan, Owen, Pearson, Perloff, Perry, Roberts, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

H. 1003. Relating to the official court reporter in every judicial circuit, composed of one county with a population of not less than 27,000 nor more than 27,900, so as to authorize an expense allowance for the court reporter.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following substitute for the Bill, H. B. 1003, to-wit:

#### SUBSTITUTE FOR HOUSE BILL 1003

##### A BILL TO BE ENTITLED AN ACT

Relating to the official court reporter in every judicial circuit, composed of one county with a population of not less than 27,000 nor more than 27,900, so as to authorize an expense allowance for the court reporter.

Be It Enacted by the Legislature of Alabama.

Section 1. The official court reporter assigned to the circuit judge in every judicial circuit composed of one county, with a population of not less than 27,000 nor more than 27,900, shall be entitled to an expense allowance in the amount of 2,400.00 per year, payable in equal monthly installments from the general fund of said county. Such expense allowance shall be in addition to any salary or any other expense allowance now paid by said county.

Section 2. The county commission of any such county is hereby authorized, empowered and directed to pay the expense allowance provided herein to the official court reporter of said circuit.

Section 3. This act shall become effective October 1, 1975.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Roberts, Shelby, Stewart, Waldrop, Wilson.

—25

*Nays:*

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And said Bill, H. B. 1003, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), Mitchell, Pearson, Perloff, Perry, Roberts, Shelby, Stewart, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

H. 109. Relating to Russell County, providing that the salary of the district attorney's secretary shall be set and paid by the county governing body of Russell County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, Little, Littleton, McDonald (A), McDonald (S), Mitchell, Noonan, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Wilson.

—25

*Nays:*

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The Bill:

H. 110. Relating to counties having a population of not less than 42,000 nor more than 49,500 according to the most recent federal decennial census; to create the office of investigator for the district attorney; to provide for his duties, authority and compensation.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Givhan, King, Little, Littleton, McDonald (A), Mims, Mitchell, Noonan, Owen, Perloff, Perry, Powell, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 108. To provide an additional expense allowance for the District Attorney of the Twenty-Sixty Judicial Circuit of Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Pearson, Perloff, Perry, Powell, Shelby, Stewart, Torbert, Vacca, Wilson.

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*Nays:*

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The Bill:

H. 438. Relating to Marshall County: To authorize the Jury Commission of Marshall County to meet and attend to its duties for a period of ninety days per year, and to provide and authorize for the payment of salary, compensation and expenses of members of the Jury Commission.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Givhan, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Perry, Powell, Roberts, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

H. 325. Relating to Clay County, authorizing the governing body to employ such clerical and secretarial employees as may, from time to time, be deemed necessary, subject to the availability of county funds for such purposes.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Clemon, Edwards, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), Mims, Mitchell, Noonan, Owen, Perry, Powell, Roberts, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

H. 277. To provide in all counties having populations of not less than 39,500 nor more than 41,750 according to the most recent federal decennial census, for the rate of publication of any quarterly or annual report published by the county governing body.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Jones, King, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

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*Nays:*

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The Bill:

H. 290. To amend further the title and Section 1 of Act No. 394, H. 828, Regular Session 1961 (Acts 1961, p. 406), as amended, so as to further provide for deputies and assistants to the sheriff of Lee County; giving this act retroactive effect.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 290, to-wit:

#### COMMITTEE AMENDMENT TO H. B. 290

Amend H. B. 290 by deleting Section 5 in its entirety and inserting in lieu thereof the following:

“Section 5. This Act shall take effect on the first day of the month following its passage.”

On motion of Mr. Torbert, said amendment was laid on the table.

Mr. Little offered the following amendment to the Bill, H. B. 290, to-wit:

#### AMENDMENT TO H. B. 290

Amend H. B. No. 290 Page 2 Line 24, by striking out the word “January” after the word “effect” and inserting in lieu thereof the word “August.”

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Flipppo, Foshee, Gilmore, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Shelby, Stewart, Torbert, Vacca.

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*Nays:*

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And said Bill, H. B. 290, as thus amended, was then read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Flipppo, Foshee, Gilmore, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owens, Pearson, Perloff, Perry, St. John, Shelby, Stewart, Torbert, Vacca.

—25

*Nays:*

—0

The Bill:

H. 276. Relating to counties having a population of not less than 39,500 nor more than 41,500 inhabitants according to the most recent federal decennial census; to authorize the county governing body of such counties to appropriate public funds to the use of rescue squads incorporated under the nonprofit corporation laws of this state.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Givhan, Jones, Little, Littleton, McDonald (A), McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 275. Relating to counties having a population of not less than 39,500 nor more than 41,500 inhabitants according to the most recent federal decennial census; to provide for paying the expenses of deputy sheriffs attending any school or training program where their expenses are not otherwise provided for by law.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), Mims, Mitchell, Noonan, Owen, Perloff, Perry, Powell, Stewart, Torbert, Vacca, Waldrop.

—25

*Nays:*

—0

The Bill:

H. 1247. Relating to all counties having a population not less than 22,000 nor greater than 22,500; providing that jurors' compensation in such counties shall be \$12 per day and 10¢ per mile.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Roberts, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1152. To amend Act No. 707, H. 1354, 1973 Regular Session, (Acts 1973, p. 1058) entitled "An Act To authorize the governing body of Cullman County to provide for all help and equipment in the offices of the several officers in that county" to include all employees of the sheriff's department and intermediate court except the clerk of said court.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Fine, Flippo, Foshee, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1115. Relating to Russell County; to provide for an additional expense allowance for members of the county commission and for certain clerks of the county commission.

Was read a third time at length and passed.

Yeas 25; Nays 0.



*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Flippo, Gilmore, Givhan, Jones, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—25

*Nays:*

—0

The Bill:

H. 1053. Amending Section 1 of Act No. 791, H. 923, Regular Session (Acts 1969, p. 1421), relating to the sheriff's department of Lauderdale County, so as to remove the maximum number of deputies that can be hired and removing the compensation limits of the deputies, secretaries and jailers.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1052. Relating to Lauderdale County; setting the compensation and expense allowance of certain officials.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart.

—25

*Nays:*

—0

The Bill:

H. 1028. To change the compensation of the Sheriff of Madison County, Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Flippo, Foshee, Givhan, Jones,

King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1340. Relating to counties having a population of not less than 53,000 nor more than 55,000; to provide an additional allowance for the clerk hire fund of the office of probate judge in such counties, and making provisions hereof retroactive.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, Stewart, Torbert, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1339. Relating to counties having a population of not less than 53,000 nor more than 55,000; to validate and confirm any contributions of county funds to the use of any non-profit volunteer rescue squad within the county between October 1, 1973 and October 31, 1974.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Shelby, Stewart, Torbert, Vacca.

—25

*Nays:*

—0

The Bill:

H. 1324. Relating to Tallapoosa County; to provide for branch banking under certain conditions.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Fine, Flipppo, Foshee, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Owen, Pearson,

Perloff, Perry, Powell, Roberts, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:* —0

The Bill:

H. 440. To authorize the county commission of Marshall County to provide for the relief of Bobby Joe King for the payment of medical expenses due to bodily injuries incurred in the line of duty while a Deputy Sheriff in the Marshall County Sheriff's Department.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Bank, Clemon, Edwards, Ellis, Flippo, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Perry, Powell, Roberts, St. John, Stewart, Torbert, Waldrop, Wilson.

—25

*Nays:* —0

The Bill:

H. 654. Further relating to commercial fishing in public waters in all counties having populations of not less than 115,000 nor more than 150,000; to authorize and provide for a commercial fisherman's helper for certain such fishermen; to provide for the issuance of permits for such helpers; to prescribe the fees for such permits; to provide for their collection and distribution; and to prescribe penalties for violations of this act.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—25

*Nays:* —0

The Bill:

H. 231. Relating to expense allowances of county officials in Tuscaloosa County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Fine, Flippo, Gilmore, Givhan,

Jones, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perry, Powell, Roberts, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

H. 232. Relating to Tuscaloosa County; to amend further Act No. 56, H. 285, Regular Session 1953 (Acts of 1953, p. 76) an act levying additional privilege or license taxes in Tuscaloosa County, so as to exempt tangible personal property purchased outside said county from the use tax levy.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

H. 241. Relating to expense allowances of county officials in Tuscaloosa County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Flippo, Foshee, Gilmore, Givhan, Little, Littleton, McDonald (A), McDonald (S), Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

—25

*Nays:*

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The Bill:

H. 1585. Relating to all counties having populations of not less than 36,500 nor greater than 39,200 according to the most recent federal decennial census; to authorize branch banks in any such city or town located wholly or partly in such county having not less than 1,200 inhabitants according to the last or any subsequent federal decennial census, provided such bank shall have been in existence, operation or under construction in any such county prior to January 1, 1975; to deem authorized any such branch banks at the time established; and to ratify and confirm any action taken by such branch banks prior to passage of this bill.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Littleton, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Powell, Roberts, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

H. 1051. Relating to Lauderdale County; providing for a monthly expense allowance for County Commissioners of Lauderdale County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Flippo, Gilmore, Givhan, Jones, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

H. 1050. Relating to Lauderdale County; providing an expense allowance for the County Coroner.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, Mims, Mitchell, Noonan, Owen, Perloff, Perry, Powell, Roberts, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

H. 1027. To change the compensation of the Coroner of Madison County, Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Flippo, Foshee, Gilmore, Jones, King,

Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

H. 1031. To change the compensation of the Probate Judge of Madison County, Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Flippo, Foshee, Gilmore, Givhan, Jones, King, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Perloff, Perry, Powell, Roberts, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

H. 1030. To change the compensation of the Chairman of the County Commission of Madison County, Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Givhan, Jones, King, Littleton, McDonald (A), McDonald (S), Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

H. 1048. Relating to the management of the public records of Lauderdale County; providing for the photographing or microphotographing of such public records and for the admissibility in evidence of photographed or microphotographed copies of records required to be kept by public officers of Lauderdale County, and for payment of the cost incurred in the purchase of photographic or microphotographic equipment; to authorize the photographing or microphotographing of old documents and records presently held as public records of Lauderdale County; to authorize the destruction of old documents not otherwise stored with the State Department of Archives and History.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

—25

*Nays:*

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The Bill:

H. 1029. To authorize the Madison County Commission to provide for the relief of Sara Hall Gibson.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Ellis, Flipppo, Foshee, Gilmore, Givhan, Jones, King, McDonald (A), McDonald (S), Mims, Mitchell, Noonan, Owen, Perloff, Perry, Powell, Roberts, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

S. 907. To authorize and provide for the establishment, operation and financing of a Public Defender Office in all counties having a population of not less than 110,000 nor more than 150,000 inhabitants, according to the last or any subsequent federal decennial census, for the representation and defense of persons accused of crimes who are declared indigent by the courts; to establish a Public Defender Commission to operate said office; to define the powers, duties of and limitations upon said Commission and the Public Defender; to provide for the selection and compensation of the Public Defender and for the employment and compensation of the Assistant Public Defenders and the personnel of said office, and for the expenses of said office; to provide for the resignation and removal of the Public Defender and personnel of the Public Defender Office; to provide for the taxing and collecting of additional court costs in certain courts in said counties for such purpose and for the expenditure thereof; to provide for continued opportunity for other lawyers to be appointed to represent such indigent persons accused of crime; to provide for the pro-rata return of any excess money in the Public Defender Fund to the counties and Municipal bodies from which received.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Bank, Clemon, Edwards, Fine, Flipppo, Foshee, Gilmore, Givhan, King, Little, Littleton, McMillan, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Waldrop, Wilson.

—25

*Nays:*

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## MESSAGE FROM THE HOUSE

Mr. President:

Under the provisions of H. J. R. 116, the Speaker of the House has appointed Messrs. Rich, Sonnier and Roberts as House members of the Interim Committee to Study Alabama's Sunday Closing Laws.

JOHN W. PEMBERTON,  
Clerk.

## SPECIAL ORDER CONTINUED

On motion of Mr. Fine, unanimous consent was granted to continue today's Special Order (S. R. 113) as the Special Order for the Twenty-ninth Legislative Day.

## ADJOURNMENT

At 9:45 P.M., on motion of Mr. Fine, pending further consideration of the Bill, H. B. 899, the Senate adjourned until Thursday, September 11, 1975, at 8 o'clock A.M.

## TWENTY-NINTH LEGISLATIVE DAY

THURSDAY, SEPTEMBER 11, 1975

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

## PRAYER

The Session was opened with prayer by the Reverend John Cruse, Curate, Church of the Holy Comforter, Montgomery, Alabama.

## ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—34

## JOURNAL

On motion of Mr. Pearson, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.



REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-eighth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

E. C. FOSHEE,  
Chairman.

COMMITTEE REPORT

On motion of Mr. Foshee, the foregoing report was concurred in and the Journal of the Senate for the Twenty-eighth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Pearson, leave of absence was granted Mr. Weaver for today.

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. J. R. 36. Naming the Red Mountain Expressway the "Elton B. Stephens Expressway."

Also:

S. J. R. 101. Creating a joint interim committee to study agricultural chemical products.

Also:

S. J. R. 108. Approving the attendance of the chairmen of the Senate and House Conservation Committees at the annual meeting of the Interstate Conference on water problems.

Also:

S. 183. To prohibit state government, any of its political subdivisions or any agencies thereof from purchasing, with public funds, any beef that is not produced within the United States.

Also:

S. 185. Regulating further the licensing of motor vehicles, to provide for the issuance of semi-permanent license plates with a tab or other device indicating the payment of the license tax for the current year.

Also:

S. 464. To further amend Section 89, Title 36, Code of Alabama 1940, as amended, which section regulates the size of motor vehicles allowed to travel on the public highways of this state, so as to further regulate the size of certain motor vehicles.

E. C. FOSHEE,  
Chairman.

### SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

### REPORT FROM RULES

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, with amendment, to-wit:

H. J. R. 139. Creating a Joint Continuing Committee to Study Real Estate Licensing Laws.

The Standing Committee on Rules reported the following amendment to the Resolution, to-wit:

### COMMITTEE AMENDMENT TO H. J. R. 139

Amend H. J. R. 139, paragraph 1, last sentence, to read:

The chairman and vice-chairman shall be elected by the Committee.

Which was adopted.

And on motion of Mr. Foshee, said Resolution, H. J. R. 139, as thus amended, was then concurred in and adopted by the Senate.

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 69. Relating to Law Enforcement Sections Within the Department of Conservation.

On motion of Mr. Foshee, said Resolution was then concurred in and adopted by the Senate.

### REPORTS OF COMMITTEES

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Jones:

S. 151. To repeal Act No. 1462 of the 1971 Acts which requires a

minimum of 35 years of creditable service before members of the Employees' Retirement System can retire with 100% of benefits due them; to provide for the retirement of said members after 30 years of creditable service, regardless of age, with 100% of the benefits due them; also provides for a clarification of the corporate powers of the Retirement Systems of Alabama; and further to provide for the necessary and proper appropriations; and to provide for the modification of all laws or parts of laws in conflict with the provisions of this Act.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Jones (With Substitute):

S. 154. To amend Section 1 of Act No. 515, H. B. 93, approved July 9, 1945 (General Acts 1945, p. 734) as amended (Title 55, Section 456, Code of Alabama 1940, Recompiled 1958, and as amended), which relates to the Employees' Retirement System of Alabama; so as to provide that the "average final compensation" used to calculate a member's retirement benefit will be based upon the three (3) years, rather than the five (5), of the final ten (10) years of membership service in which earnable compensation is highest. To also provide for the redetermination of all retirement allowance payments due on or after October 1, 1975, to members who retired prior to said date. Also to provide for necessary and proper appropriations to carry out the provisions of this Act.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. King, Jones, McDonald (A), and Baker:

S. 254. To amend Section 12 of Act No. 1038, H. 1005, 1973 Regular Session, approved September 10, 1973, creating a uniform military code and a uniform code of military justice for the State of Alabama, so as to exempt from the operation of the privilege or license tax and registration fee levied on automobiles and motor vehicles by the State of Alabama, one passenger vehicle owned by any officer, warrant officer, or enlisted person serving as an active member of any United States armed forces reserve or organization, who meet certain requirements of residence in Alabama.

By Messrs. McMillan, Owen, Gilmore, Noonan, Clemon, Pearson, Ellis, Vacca and Wilson:

S. 796. To authorize the Director of Finance, the Highway Director, the Attorney General, the State Treasurer and the Executive Secretary to the Governor to become a corporation; to prescribe the powers of such corporation, including the power to construct interstate and defense highways in the State and to finance such construction by the issuance of its Bonds; to authorize the Corporation to issue not exceeding \$212,000,000 aggregate principal amount of Bonds; to authorize the issuance of Temporary Bonds and Notes in anticipation of the issuance of such Bonds; to provide that no such Obligations shall create an obligation or debt of the State but that such Obligations shall be limited obligations

payable solely out of federal aid and highway funds to be received during federal fiscal years 1977 through 1982, the proceeds of the taxes and fees in respect of gasoline and other motor fuels, and motor vehicles and the sale, receipt or use thereof, interest on the investment of funds herein provided for, and the revenues of the Corporation appropriated and pledged in this Act; to provide for the pledge of such funds, taxes, fees and appropriations to the payment of said Obligations; to provide that such Obligations and the income therefrom shall be exempt from taxation; to provide that such Obligations may be used to secure deposits of funds of the State and its instrumentalities and agencies and shall be lawful for the investment of trust funds; to authorize the Corporation to pledge for payment of the principal of and interest on such Obligations the money appropriated and the funds, taxes, fees and appropriations pledged in this Act; and otherwise to provide for or accelerate the construction of interstate and defense highway projects; and to confer on said Corporation the power of eminent domain.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Ellis, McMillan, Gilmore and Vacca (With Amendment):

S. 854. To promote the conservation of natural resources through the creation of a Resource Recovery Task Force; to prescribe the organization, powers, duties and functions of said force; to make appropriation to fund the activities and functions of said force; to provide for the dissolution of said force and to repeal all conflicting statutes.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Owen, Mims, Mitchell, Roberts, Flipppo, Waldrop, Bank, Foshee, Gilmore, Littleton, Stewart, Ellis, Wilson, McDonald (A), King, Edwards, Fine, Perloff and McMillan:

S. 863. To make appropriations to the Alabama Forestry Commission for construction of an automotive maintenance and repair shop, mechanics salaries, and equipment and parts for such shop.

By Messrs. Wilson, McMillan, Gilmore, Ellis, Clemon, Pearson, Vacca, Perry, Adams, Foshee, Littleton, Fine and Givhan:

S. 986. To amend the Title and Sections 1, 4, 7, 8, 9, 12, 14, 15, 20 and 21 of the Alabama Turnpike Authority Act, pertaining, respectively, to Legislative Purpose, Powers of the Authority, Bonds and Notes of the Authority, Security for the Bonds, Tolls and Other Charges, Exemptions from Taxation, Projects to be Kept in Good Repair, Regulations and Police Service for Projects, Refunding Bonds and Preliminary Study of Projects.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Owen (With Substitute):

S. 1041. To amend Section 9 of Act 1938, Regular Session 1971 which Act relates to the inspection of mobile homes by the State Fire Marshall so as to increase inspection fees, original fees, and to provide for appropriation of funds to the State Fire Marshal.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Foshee:

S. 1062. To amend Act No. 278, First Special Session 1965, to prohibit a recipient of a medical scholarship from avoiding the statutorily imposed obligation to practice medicine in a locality which is in need of a physician by repaying the amount of the scholarship.

By Mr. Wilson:

S. 1091. Honoring two outstanding Alabamians, re-naming the Baptist Medical Center Boulevard in Selma, Alabama the "Givhan-Goodwin Boulevard", in honor of Senator Walter Givhan and Mr. Earl Goodwin, respected leaders of the State of Alabama and natives of Dallas County.

By Mr. Baker:

S. 1120. To permit the deduction by individual income taxpayers, in computing net income for income tax purposes, of certain educational expenses.

By Mr. Baker:

S. 1121. To establish a fund from the annual appropriations of each state trade school and junior college, commencing October 1, 1975, to be carried by the state treasurer for the payment of awards against such schools and colleges ordered paid by the state board of adjustment and its expenses, including any claims now pending before such board.

By Mr. Foshee:

S. 1130. To authorize State and Local Government Agencies to expend available public funds for the functional replacement of publicly-owned lands, buildings and facilities when any program or project undertaken involves the acquisition of such properties.

By Mr. Naramore, et al:

H. 38. To provide for the transfer to the Teachers' Retirement System of Alabama of all janitors, maids, cafeteria workers, and any other full time employees in public education covered under Section 12 of Act No. 515 of the 1945 Act, as amended, regardless of in what manner or on what basis paid; To provide for the eligibility and mandatory enrollment in the Teachers' Retirement System of Alabama of all persons hereafter assuming full time employment in public education; to provide for a six month period from the effective date of this Act in which any person in any of the aforementioned classifications who are not now members of the Employees' Retirement System under Section 12 of Act No. 515 of the

1945 Act, as amended, may decline to become a member of the Teachers' Retirement System by filing a written notice. Provide for credit of service prior to effective date of this Act for any persons in a hereinabove named classification who are not members of the Employees' Retirement System; And further to provide for necessary and proper appropriations to carry out the purpose of this Act.

By Mr. Turnham:

H. 40. To further amend Section 364 of Title 52 of the Code of Alabama 1940, as amended, which relates to credit for military service and to provide for necessary and proper appropriations to carry out the provisions of this Act.

By Mr. Gafford:

H. 43. To provide for the reopening of the Employees' Retirement System of Alabama to those employees who were in service on October 1, 1974, who declined membership at the time of establishment, and to those who have non-membership service but who later joined the Employees' Retirement System; also reopens said System to employees who were in service on October 1, 1974, who have creditable service for which they are ineligible to gain credit for reasons other than non-membership; also to provide a redetermination of benefits for members retired prior to October 1, 1975; and further to provide for necessary and proper appropriations.

By Mr. Shelton, et al:

H. 76. Relating to taxation, to provide for an exemption from ad valorem taxation on personal property in transit through this state, or in storage in a public or private warehouse or other storage facility for shipment to a destination outside this state, to declare the policy of this state to encourage the development of this state as a distribution center; to provide for certain warehouse or storage facility records with regard to such property; and to repeal inconsistent laws.

By Mr. Merrill, et al:

H. 97. In addition to any law or part of any law contained and appearing in Chapter 14 of Title 52 of the Code of Alabama 1940, as amended, which relates to the Teachers' Retirement System of Alabama, to provide for the retirement under the Teachers' Retirement System of any teacher, regardless of age, who is a member of the Teachers' Retirement System, and, who has thirty years of creditable service; also provides for a clarification of the corporate powers of the Retirement Systems of Alabama; and to provide for necessary and proper appropriations.

By Mr. Owens, et al:

H. 198. To amend further Section 366 of Title 52 of the Code of Alabama 1940, as amended, which relates to the Teachers' Retirement System of Alabama, so as to provide for 2.0125% formula in calculating retirement benefits and to provide for the removal of the 80% of average final compensation restriction on retirement benefits; also provides for a redetermination as of October 1, 1975; also provides for a clarification of the corporate powers of the Retirement Systems of Alabama; and further provides for necessary and proper appropriations.

By Mr. Owens, et al:

H. 199. To provide that in the event Section 366 of Title 52 of the Code of Alabama 1940, as amended, provides, at the time this Act becomes effective, that the formula factor for computing teachers' retirement benefits shall be 2.0125%, then any retired teacher and/or any teacher who retires hereafter, who does not receive a 15% net gain in retirement benefits by operation of the formula increase, shall receive an additional amount which shall be sufficient, when added to result in a "post-formula increase" net gain in benefits equal to, but not exceeding, 15% of such member's prior benefit entitlements; also to provide for all necessary and proper appropriations.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill, and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Robertson, et al (With Amendment):

H. 500. To provide salary increases for certain state employees; and to appropriate funds therefor.

Mr. Owen, Chairman of the standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Biddle:

H. 665. To make a supplemental appropriation to the Department of Conservation and Natural Resources, Division of Marine Resources.

By Mr. Baker, et al:

H. 815. To amend further Title 46, Sections 71 and 73, Code of Alabama 1940, relating to the state licensing board for general contractors; so as to increase the amount of the funds deposited in the state treasury to the credit of such licensing board that the board may retain, and increase application and renewal fees.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Cross (with notice and proof) (With Amendment):

H. 1278. Relating to Lawrence County; to provide that a certain percentage of the proceeds accruing to the Alabama Department of Aeronautics from any rental or lease agreement covering certain lands in said county shall be deposited to the Lawrence County general fund; requiring all such leases to be let on a competitive bid basis.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Merrill:

H. 1362. This bill authorizes the Secretary of the Senate and the Clerk of the House to provide transcripts of bills and provide for payment of same.

Mr. Pearson, Chairman of the Standing Committee on Conservation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Wilson:

S. 1098. To amend Title 8, Sections 100 and 101 of the Code of Alabama, 1940, so as to eliminate distinctions between resident and non-resident fur dealers.

By Messrs. Roberts, Starkey and Carter:

H. 557. To amend Section 2 of Act No. 357, S. 156, 1951 Regular Session [Acts 1951, p. 645; now appearing in Code of Alabama Recompiled 1958, Title 8, Section 44(2)] entitled "An Act To provide a penalty for giving a false statement in purchasing hunting, fishing, seafood or fur-bearing animal licenses. To further provide a penalty for changing or altering such licenses. To provide a penalty for the lending, borrowing, selling, buying, renting or using the license of another" so as to make unlawful the back-dating or numbering of such licenses out of sequence.

Mr. Bank, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Mims, Waldrop, Vacca, Little, Jones, McDonald (A), Stewart, Weaver, Littleton and Adams:

S. 445. To provide that all contracts of insurance or policies of insurance or plans or agreements for health services issued or delivered in this State shall cover and include the services of Chiropractors.

Mr. Bank, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Littleton, Stewart and Weaver (With Substitute):

S. 1104. To further provide for the education and training of deaf, blind and certain other persons and to further define the authority of the board of trustees of the Alabama institute for deaf and blind.

Mr. Bank, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. White, et al:

H. 300. To provide a definite statute of limitations in liability actions; to eliminate the ad damnum clause in complaints alleging



liability; to define the duty of care; to require warranties of cure to be in writing; to prevent advance payments from being considered admissions of liability. In lieu of the scintilla rule, to require evidence of substantial weight and provative effect in medical liability actions; to provide for periodic payments of awards in medical liability actions; to authorize the Insurance Commissioner to establish a joint underwriting association and to provide rules for such joint underwriting association; to provide for voluntary arbitration of disputes; and to require insurance carriers to report claims and costs incurred to the Insurance Commissioner.

Mr. Bank, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Mims (With Amendment):

S. 938. To prohibit the abuse, neglect or exploitation of aged or disabled adults; to provide protective services for such persons; to require mandatory reporting by physicians and others of abuse, neglect or exploitation of such persons; to exempt persons reporting such abuse, neglect or exploitation from civil or criminal liability in connection with such reporting; to prescribe penalties for the abuse, neglect or exploitation of aged or disabled adults; and to provide penalties for failure of physicians and other practitioners of the healing arts to report such abuse, neglect or exploitation.

Mr. Bank, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Stewart, Shelby, Powell, Edwards, Waldrop and Bank (With Substitute):

S. 1088. To regulate and promote the public health and to authorize the State Board of Health to declare a moratorium on health facility construction and equipping in all health services areas in which the Alabama Master Hospital Plan indicates that need for health facility beds, services, and equipment has been met; to repeal Section 13 of Act No. 530, Regular Session 1949.

Mr. Bank, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mrs. Quarles:

H. 1255. Providing a white cane law for Alabama, including provisions to ensure full and equal accommodations to the blind and otherwise disabled, the right to be accompanied by a guide dog, penalties for failure on the part of a driver to take necessary precautions to avoid injuring blind pedestrians; penalties for denial or interference with admittance of blind or otherwise disabled persons to public facilities or for otherwise interfering with the rights of such persons; setting forth a state employment policy towards the blind; and providing that blind and

otherwise disabled persons shall be entitled to equal access to housing accommodations offered for rent, lease, or compensation in this state.

Mr. Bank, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Stewart, Edwards, Shelby, Foshee and Baker (With Substitute):

S. 1145. Relating to allowances allowed patients receiving state assistance at nursing homes.

By Messrs. Stewart, Edwards, Shelby, Foshee and Baker (With Substitute):

S. 1146. Providing for the annual audit of all nursing homes in Alabama and the distribution of the auditor's report.

By Messrs. Edwards, Stewart, Shelby, Foshee and Baker (With Substitute):

S. 1147. Relating to eligibility requirements for medical assistance from the State of Alabama, including but not limited to nursing home patients.

Mr. Gilmore, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McMillan:

S. 1136. To apply to every county of the State having a population of more than 500,000 according to the last or any subsequent federal census; to define for and in such county an associate registrar as a member of the board of registrars of the county other than the chairman of said board; to provide that the term of an associate registrar shall expire on a date four years subsequent to the date of his appointment; to provide that if when an associate registrar's term expires there are then a full time chairman of the board of registrars subject to a civil service system and full time employees of said board subject to said civil service system, the appointing board, provided for by Section 21, Title 17, Code of Alabama of 1940, shall not appoint a successor to such associate registrar until the appointing board has received a resolution of the governing body of the county requesting that the appointing board appoint a successor to the associate registrar whose term has expired; to provide that the governing body shall not adopt any such resolution unless such governing body has found, and recites in said resolution, that it is essential to the efficient functioning of the board of registrars that the appointing board appoint a successor to the associate registrar whose term has expired; to provide that as soon as practical after the appointing board receives such resolution the appointing board shall appoint a successor to the associate registrar whose term has expired; to provide that upon an associate registrar's term expiring thereafter until his successor is appointed the chairman, or the chairman and the remaining associate registrar, as the case may be, shall perform the functions and duties of the board of

registrars; to provide that when the chairman performs the functions and duties which a former associate registrar would have performed if his term had not expired, the State of Alabama shall pay to the general fund of the county an amount equal to the compensation which the State would have paid such former associate registrar if he as an associate registrar had performed the duties the chairman performed in his stead.

By Mr. Gilmore:

S. 1154. Proposing an amendment to the Constitution of Alabama relating to levying additional ad valorem taxes by the City of Vestavia Hills, Jefferson County, Alabama.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Gilmore:

S. 1155. Proposing an amendment to the Constitution of Alabama relating to levying additional ad valorem taxes by the City of Vestavia Hills, Jefferson County, Alabama.

The above Bill was read a second time at length as required by the Constitution.

By Mr. McMillan:

S. 1157. To provide that no board of adjustment authorized by Section 781, Title 37, Code of Alabama, as amended, and provided for by any municipality which is located within any county, which county now has or may hereafter have a population in excess of 500,000 according to the last or any succeeding decennial federal census, shall grant a variance under the zoning ordinance of such municipality to allow a structure or use in a district restricted against such structure or use except as specifically provided for by the zoning ordinance of such municipality.

By Mr. Andrews (with notice and proof):

H. 681. Relating to Jefferson County; prohibiting service and execution of subpoenas and warrants issued for nonmoving traffic violations during certain hours, and repealing conflicting laws.

By Mr. Boles, et al:

H. 802. To further amend Act No. 556 of the Regular Session of the Legislature of Alabama of 1959 (Ala. Acts, 1959, p. 1376), as heretofore amended, which Act established a Pension and Relief or Retirement and Relief System for firemen and policemen who are members of any Pension and Relief System heretofore or hereafter established under Act No. 929 of the Regular Session of the Legislature of 1951 (Ala. Acts 1951, p. 1579), as amended, which 1951 Act established a Pension System for officers and employees of each city of the State having a population of 250,000 or more, according to the last federal census.

By Mr. Gafford, et al:

H. 853. To provide further for the compensation of the chief deputy sheriff in counties having populations of 600,000 or more according to the most recent federal decennial census; and to provide for retroactive effect.

By Mr. Falkenburg, et al (with notice and proof):

H. 986. To amend Section 138, Title 62, Code of Alabama of 1940 (originally enacted as Local Act No. 462 of the 1939 Regular Session of the Legislature of Alabama, approved September 15, 1939, and subsequently reprinted as Section 138, Title 62, of the 1958 Recompiled Code of Alabama), as heretofore amended by Act No. 193 of the 1965 Regular Session of the Legislature of Alabama, approved July 30, 1965, to increase the Law Library Tax in each civil or quasi civil action at law, suit in equity, criminal case, quasi criminal case, proceeding on a forfeited bail bond, or proceeding on a forfeited bail bond given in connection with an appeal from a judgment of conviction in any inferior court or municipal court to the Circuit Court hereafter filed in, arising in, or brought by appeal, certiorari, or otherwise to the Circuit Court of Jefferson County, Alabama, except in the Bessemer Division thereof, from one dollar (\$1.00) to two dollars (\$2.00); to provide that the Law Library Tax in each criminal case hereafter filed in any statutory inferior court in Jefferson County, Alabama, except in the Bessemer Division thereof, shall be fifty cents (\$.50); and to increase the Law Library Tax in each civil case hereafter filed in any statutory inferior court in Jefferson County, Alabama, except in the Bessemer Division thereof, where the amount claimed in the complaint exceeds one hundred dollars (\$100.00) from twenty five cents (\$.25) to fifty cents (\$.50), and where the amount claimed is one hundred dollars (\$100.00) and less, from ten cents (\$.10) to twenty cents (\$.20), said increases to be effective on the first day of the second calendar month next following its passage by the Legislature of Alabama and its approval by the Governor of Alabama, or its otherwise becoming a law.

Mr. Gilmore, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Mr. Gafford, et al (With Amendments):

H. 1044. To further amend Act No. 502 of the Legislature of Alabama of 1923, approved September 29, 1923 (General Acts of Alabama of 1923, page 663, et seq.), which established a policeman's pension system for cities having a population of 100,000 or more, as re-enacted by Act No. 283 of the Legislature of Alabama of 1943, approved June 28, 1943, (General Acts of Alabama of 1943, page 241, et seq.), as heretofore amended.

Mr. Gilmore, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Waggoner (With Substitute):

H. 1136. To amend Chapter 9 of Title 51 of the Code of Alabama of 1940, as heretofore amended.

Mr. Gilmore, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable

report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Armstrong, Howard, Boles and Trammell (with notice and proof) (With Substitute) (With Amendment):

H. 1175. Relating to Jefferson County; to provide for the election, duties and compensation of certain officials of the Bessemer Division of said county and to repeal all conflicting statutes.

Mr. Gilmore, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Jolly (with notice and proof):

H. 1190. To alter, rearrange and extend the boundaries and corporate limits of the Town of Trafford in Jefferson County, Alabama, so as to annex certain territory to the town.

By Mr. Jolly (with notice and proof):

H. 1191. To alter, rearrange and extend the boundaries and corporate limits of the Town of Trafford in Jefferson County, Alabama, so as to annex certain territory to the town.

By Messrs. Boles, Hopping, Hall, Andrews and Trammell:

H. 1317. To amend Act Number 453 of the 1967 Regular Session of the Legislature of Alabama (1967 Acts of Alabama, Page 1129, et seq.), entitled "An Act to create in each city of the State of Alabama having a population of three hundred thousand or more according to the last and any subsequent Federal census a pension and relief fund for officers and employees of the Library board of such city and for the widows and dependents of such officers and employees, to provide for a custodian of such fund and to provide for the investment, protection, management and distribution of such fund by a board of managers created for such purpose, "To make such act applicable in each city of the State of Alabama having a population of two hundred and fifty thousand or more, to increase benefits payable from such fund to qualified employees upon disability or retirement, to limit loans from such fund to qualified employees, to increase the size of the board of managers of such fund, and to give the library board of such city the option to expand the coverage of such fund to additional employees and to provide for credit for prior service to qualified employees by extending creditable time.

By Mr. Waggoner, et al:

H. 1453. To adjust the salary of Circuit Clerks in all counties of 600,000 population or more, according to the last or any subsequent Federal Census, to the end that the salary of such Clerks shall be increased by the same percentage as the salaries of other county employees of such counties have theretofore been increased; to provide further for supernumerary status for such Clerks of the Circuit Courts of such counties who have served no less than twenty-five years as such Circuit Clerk and who are not less than sixty-five (65) years of age and to fix the salary and method of payment for such supernumerary Circuit Clerks; to provide further for the transfer to the county general fund of moneys held

in any county retirement system for the benefit of any Circuit Clerk who elects to come under the provisions of this Act.

Mr. Bank, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Edwards, McDonald (A), King and Baker (with notice and proof):

S. 1110. To authorize the dissolution of District Number One Tuberculosis Sanatorium Authority, a public corporation organized under the provisions of Act Number 914 enacted at the 1961 Regular Session of the Legislature of Alabama; to provide for the distribution of the funds of the authority to the several counties making original contributions to the Trustees of said District Number One Sanatorium in the amounts contributed; and to provide for the withholding by the Authority of an estimated amount sufficient to meet any potential unemployment and contingent claims, and for the distribution of all other funds to the several counties, making subsequent contributions to the operation of the sanatorium, in the ratios that the contribution of each bore to the total contributions of all, and then final distribution of any remaining funds not needed to pay unemployment and contingent claims, within two years after the passage of this act in the same percentages.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Waldrop (with notice and proof):

S. 292. Relating to Etowah County; to better secure the administration of the financial affairs of such county by vesting in the chairman and members of the county commission a direct and effective financial supervision over all county officers, departments, boards and agencies; to provide for the annual initiation and preparation of a balanced budget of all revenue and expenditures for the County General Fund, Road and Bridge Fund, Gasoline Fund, Public Highway and Traffic Fund, and other funds, including a tentative budget and hearings on the same before adoption of a final budget; to prohibit expenditures in excess of budgeted amounts, and to provide personal civil liability for any department head or other official in charge who violates such prohibition; to provide for proration to prevent an overdraft or deficit; to provide for lapsing of sums budgeted but not expended; to provide that the county commission shall have authority to hire a central purchasing agent in order to make possible the most efficient and economical means of expending county funds; to regulate the office of central purchasing agent and to provide penalties for violations to set the effective date of this act and to repeal conflicting laws.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Waldrop (with notice and proof) (With Substitute):

S. 916. Relating to Etowah County; to provide for election of the county superintendent of education; to prescribe the qualifications, duties, term of office, and compensation of such officer; and to repeal Act No. 540, S. 593 of the Regular Session of 1967 and all other conflicting laws.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Owen (with notice and proof):

S. 1042. Relating to the governing body of Baldwin County, amending Section 1 of Act No. 239, H. 597, Regular Session 1931 (Local Acts of 1931, p. 100), as amended, which act creates the county commission of Baldwin County in lieu of the board of revenue of said county; so as to provide further for the rearrangement and redivision of the commissioners' districts.

By Mr. Baker (with notice and proof):

S. 1048. Relating to DeKalb County; providing that the salary of the Deputy District Attorney (County Solicitor) paid by DeKalb County shall be set by the County Commission at not more than \$15,000.00 nor less than \$10,000.00 per year; further providing that the office of Deputy District Attorney is to be a full-time job, and the Deputy District Attorney may not do any work as an attorney or receive any fees from legal work done outside of his duties as Deputy District Attorney.

By Mr. Fine:

S. 1066. To authorize the Register of the Circuit Court in all counties having populations of not less than 23,900 nor more than 24,450 to hire a clerical assistant, to set the compensation of such assistant, and to provide that the salary of such assistant be paid from the general funds of such counties.

By Messrs. Little and Torbert (with notice and proof):

S. 1077. To provide for the election of members of the county board of education of Chambers County, Alabama; to define the school districts from which the members of the county board of education are elected.

By Mr. Cross (with notice and proof):

H. 72. Relating to Lawrence County, abolishing the fine and forfeiture fund of Lawrence County and providing that all monies now in the fine and forfeiture fund or hereafter collected for such fund shall be paid into the general fund of such county and that all claims due or to become due from the fine and forfeiture fund shall be paid from the general fund of the county; providing that witness certificates obtained as a state's witness before the grand jury or the circuit court, county court or other inferior court in which a criminal prosecution is pending shall be paid from the general fund on presentation; providing that all monies now held or hereafter collected as witness fees for state's witnesses in the circuit court, county court or other inferior court shall be paid on collection into the general fund of the county.

By Mr. Cross (with notice and proof):

H. 74. Relating to Lawrence County; to provide an additional expense allowance for the coroner.

By Mr. Cross (with notice and proof):

H. 75. To amend further Section 1 of Act No. 62, H. 325, Regular Session 1959, as last amended, regulating the meetings of the county board of education of Lawrence County, so as to provide further for the compensation and allowances of the board members.

By Messrs. Crowe and Sparks:

H. 100. Relating to counties having not less than 16,600 nor more than 16,950 population, according to the most recent Federal Decennial Census; to provide an additional clerk-hire allowance for the Judge of the Winston County Court of Law and Equity, Winston County, Alabama, and to provide for the payment of same.

By Messrs. Crowe and Sparks:

H. 101. Relating to counties having not less than 16,600 nor more than 16,950 population, according to the most recent Federal Decennial Census; to provide for the hiring of two (2) new Deputies and to provide for the payment of their salaries.

By Messrs. Baker and Whatley (with notice and proof):

H. 104. Relating to Russell County; requiring any county official who maintains a fiduciary fund under the provisions of Title 58, Sections 30 through 38 or any other statutory provisions which provide for the keeping of fiduciary funds, to remove any monies which have been in the fiduciary fund for a period of ten years or more, and to credit such funds to the county treasury to be expended by the county governing body for any and all purposes.

By Messrs. Baker and Whatley (with notice and proof):

H. 105. Providing that the Probate Judge of Russell County shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications for voter registration at any time the probate office is open for business.

By Messrs. Baker and Whatley (with notice and proof):

H. 106. Relating to Russell County, providing for the hiring of two additional deputies and one county jail matron to be appointed by the sheriff, and providing salaries therefor.

By Messrs. Baker and Whatley:

H. 107. To provide for an increase in the compensation of the bailiffs of the circuit court of the 26th judicial circuit.

By Messrs. Whatley and Baker (with notice and proof):

H. 111. Relating to Russell County; to provide for the employment of clerks, secretaries, and clerical assistants to perform duties in the county offices located in the county courthouse and to provide for the employment of jailers for the county jail; and to provide for the salaries of all such employees.



By Messrs. Brindley, Mitchem and Kelley (with notice and proof):

H. 131. To alter, rearrange and extend the boundary lines and corporate limits of cities having a population of not less than 5,550 nor more than 5,700 inhabitants that lie within counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census.

By Messrs. Brindley and Jolly (with notice and proof):

H. 132. Relating to Blount County; to provide further for the costs and charges in criminal cases in any court of the county.

By Messrs. Lutz, Riddick, Smith (B), Gregg, Moore (W) and Albright (with notice and proof):

H. 160. To amend Section 5 of Act No. 790, H. 1817, Regular Session 1973 (Acts 1973, p. 1203) establishing the office of Warrant Magistrate in Madison County so as to correct a reference to a certain Section of Title 15, Code of Alabama 1940.

By Mr. Warren (with notice and proof):

H. 161. Relating to Conecuh County; to provide further for the distribution of any oil and gas severance tax paid to the governing body of Conecuh County.

By Mr. Warren (with notice and proof):

H. 162. Relating to Conecuh County; to amend and reenact Act No. 143, H. 536, Regular Session 1969 (Acts of 1969, p. 415), which act provides for a pistol fee in said county, so as to provide that all monies collected from said act shall be deposited in the county treasury and earmarked for law enforcement purposes.

By Mr. McCorquodale (with notice and proof):

H. 243. Relating to Clarke County; authorizing the county commission of said county to provide data processing computerized services or other electronic systems, including micro-filming equipment, for the offices of the probate judge, tax assessor and the tax collector; to provide for the manner of procuring such services and equipment and for the payment therefor from the county general fund; to provide that all contracts made pursuant to the provisions of this act shall be exempt from any applicable statewide or local competitive bid law and shall be subject to the recommendation and approval of the probate judge of said county.

By Mr. McCorquodale (with notice and proof):

H. 244. To provide for a clerk or clerks in the offices of the Tax Collector and Tax Assessor of Clarke County, Alabama, and to fix the method and basis of the employment and compensation of such clerk or clerks, and to make such compensation payable out of the General Fund of said County.

By Mr. McCorquodale (with notice and proof):

H. 245. Relating to Clarke County; declaring motor vehicles, guns, rifles, ammunition and hunting equipment used in illegal nighttime deer hunting in the county to be contraband; and providing for the condemnation and sale thereof for the benefit of the state game and fish fund.

By Mr. Smith (M) (with notice and proof):

H. 254. Providing that the Probate Judge of Randolph County shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications for voter registration at any time the probate office is open for business.

By Mr. Smith (M) (with notice and proof):

H. 255. Relating to Randolph County: providing further for the compensation of election officials.

By Messrs. Smith (M), Higginbotham, Morris and Turnham (with notice and proof):

H. 257. To amend the title and Section 2 of Act No. 476, H. 305, Regular Session 1973 (Acts 1973, p. 691), which act relieves the chief clerk of the probate judge of Chambers County of certain duties, so as to correct an error in a citation to a certain act.

By Messrs. Smith (M), Higginbotham, Morris and Turnham (with notice and proof):

H. 258. Relating to Chambers County; to authorize and permit persons who are drawing retirement from the state to be employed on a part-time basis by the county; to prescribe certain limitations thereon and to repeal conflicting statutes.

By Messrs. Smith (M), Higginbotham, Morris and Turnham (with notice and proof):

H. 259. Providing that the Probate Judge of Chambers County shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications for voter registration at any time the probate office is open for business.

By Messrs. Smith (M), Higginbotham, Morris and Turnham (with notice and proof):

H. 260. Relating to Chambers County; to regulate further the compensation of the coroner of Chambers County.

By Mr. Cross:

H. 269. Relating to all counties having a population of not less than 27,000 nor more than 27,900 inhabitants according to the most recent or any subsequent federal decennial census; to provide an additional expense allowance for the board of equalization.

By Messrs. Carter and Moore (W):

H. 278. Relating to counties having populations of not less than 39,500 nor more than 41,500 inhabitants according to the most recent federal decennial census; to limit the liability of sheriffs for the acts of his deputies where he does not participate or where they do not act under his direction and control; to authorize the employment of an attorney out of county funds to advise and represent the sheriff.

By Messrs. Carter and Moore (W) (with notice and proof):

H. 279. Relating to Limestone County; to empower the several district commissioners on the county commission or other like governing

body to authorize the opening of any grave within their district for the interment services of deceased individuals and to repeal all conflicting statutes.

By Messrs. Lockett and Plaster (with notice and proof):

H. 344. Relating to Autauga County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in certain jails of the county, and providing for a rehabilitation board to supervise and administer the rehabilitation process of this Act; to provide further for the carrying out of the provisions of this Act; and to provide penalties for violation of this Act.

By Mr. Sasser (with notice and proof):

H. 528. To alter, rearrange and extend the boundary lines and corporate limits of the city of Ozark in Dale County.

By Messrs. Carter and Moore (W):

H. 601. Relating to counties having a population of not less than 39,500 nor more than 41,750 inhabitants according to the most recent federal decennial census; to authorize private schools located in the largest municipality in such counties to participate in the recreation programs provided for by Act No. 527, H. 1330, Regular Session 1973 (Acts of 1973, p. 768), as amended, and to make the provisions of this Act retroactive.

By Messrs. Smith (M), Morris, Higginbotham and Turnham (with notice and proof):

H. 709. To authorize the county commission of Chambers County to provide for the relief of Wilma M. Atkinson because of property damage sustained to her automobile.

By Messrs. Taylor, Ford, Rich and Brindley (with notice and proof):

H. 718. Relating to Etowah County; to better secure the administration of the financial affairs of such county by vesting in the chairman and members of the county commission a direct and effective financial supervision over all county offices, departments, boards and agencies; to provide for the annual initiation and preparation of a balanced budget of all revenue and expenditures for the County General Fund, Road and Bridge Fund, Gasoline Fund, Public Highway and Traffic Fund, and other funds, including a tentative budget and hearings on the same before adoption of a final budget; to prohibit expenditures in excess of budgeted amounts, and to provide personal civil liability for any department head or other official in charge who violates such prohibition; to provide for proration to prevent an overdraft or deficit; to provide for lapsing of sums budgeted but not expended; to provide that the county commission shall have authority to hire a central purchasing agent in order to make possible the most efficient and economical means of expending county funds; to regulate the office of central purchasing agent and to provide penalties for violations to set the effective date of this act and to repeal conflicting laws.

By Messrs. Lee, Johnson, Howard, Clark and Owens:

H. 755. To amend further Section 4 of Act No. 1292, H. 1795, Regular Session 1971 (Acts of 1971, p. 2220), which act creates the office of commissioner of licenses in counties having a population of not less than

115,000 nor more than 150,000 inhabitants according to the most recent federal decennial census, so as to provide for the appointment of a deputy commissioner of licenses in such counties.

By Messrs. Lee, Johnson, Howard, Robertson, Clark and Owens:

H. 756. Relating to counties having a population of not less than 115,000 nor more than 150,000 inhabitants according to the most recent federal decennial census, providing for the salaries of the deputy circuit clerk, the deputy tax assessor, the deputy tax collector, and the deputy license commissioner of such counties.

By Mr. Smith (M):

H. 765. To authorize the county commissions of all counties having populations of not less than 17,000 nor more than 20,000 to provide for the relief of Dan Powell to pay for dentist bills incurred due to a broken tooth received while working for the county.

By Mr. Smith (M) (with notice and proof):

H. 811. Relating to Randolph County; providing for a stenographic secretary for the tax assessor and tax collector.

By Mr. Smith (M) (with notice and proof):

H. 812. To provide for the compensation of jurors in Randolph County.

By Messrs. Lutz, Riddick, Gregg, Smith (B) and Moore (W) (with notice and proof):

H. 910. Pertaining to Madison County, to amend Act 608 of the 1973 Regular Session, which Act provides for the temporary release of certain prisoners in the County Jail for the purpose of obtaining and working at gainful employment, so as to provide for the payment to the County of a portion of the net earnings of said prisoners and for the utilization of funds derived therefrom.

By Messrs. Baker and Whatley (with notice and proof):

H. 923. Relating to Russell County; to prescribe the civil jurisdiction and the trial tax rate of the Inferior Court; to provide for the compensation and expense allowances of the judge and constables presiding over said court; to provide that the clerk of the circuit court of said county shall also serve as the ex officio clerk of the Inferior Court and to repeal all conflicting statutes.

By Mr. Cates (with notice and proof):

H. 941. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of McKenzie, in Butler County.

By Messrs. Baker and Whatley (with notice and proof):

H. 965. To amend further Sections 4, 16, 24 and 26 and to amend and reenact Section 28 of Act No. 13, H. 118 of the 1947 Regular Session (Local Acts 1947, p. 7), as amended, which establishes for the municipality of Phenix City a pension and relief system for the benefit of firemen and policemen, so as to regulate further membership in, creditable service for and retirement under such system.

By Messrs. Burgess, Shelton and Merrill (with notice and proof):

H. 997. To create an Industrial Development Authority for Calhoun County for the purpose of promoting industry and trade and the development of said county; to provide for the organization, powers, functions, duties and personnel of such Authority and to provide for the payment of the expenses of such Authority and for the compensation of its employees.

By Mr. Cross:

H. 1002. To amend further the title and Section 1 of Act No. 611, H. 754, Regular Session 1967 (Acts 1967, p. 1416), as amended, which provides for the appointment of an additional clerk as assistant to the clerk by the circuit court clerk in certain counties classified on a population basis, so as to increase the compensation of said assistant to the clerk.

By Mr. McCorquodale (with notice and proof):

H. 1011. Relating to Clarke County, Alabama; authorizing the Clarke County Commission to appropriate and pay monies, out of the General Fund of the County, in such amounts as it may determine, to or for the use and benefit of the Clarke County Association for Retarded Citizens.

By Mr. McCorquodale (with notice and proof):

H. 1012. Relating to Clarke County; providing an additional expense allowance for the members of the Clarke County Commission or other like governing body.

By Mr. McCorquodale (with notice and proof):

H. 1013. Relating to Clarke County, Alabama; to provide that the Clerk of the Inferior Court of said County and the Records of the Municipal Courts of Grove Hill, Jackson and Thomasville in said County may each take affidavits and complaints, issue warrants of arrest in misdemeanor and felony cases, and issue search warrants.

By Messrs. Lutz, Riddick and Smith (B) (with notice and proof):

H. 1032. To change the court fees assessed in civil cases in the Circuit Court and General Sessions Court of Madison County, Alabama, and in cases in the Probate Court of Madison County, Alabama, and to require the payment of court fees in civil cases and cases in the Probate Court when same are filed with said courts.

By Messrs. Lutz, Smith (B) and Gregg (with notice and proof):

H. 1033. To change the compensation of each member of the Madison County Board of Education.

By Messrs. Lutz, Smith (B) and Moore (W) (with notice and proof):

H. 1034. To provide in Madison County, Alabama, that the fee charged for issuing any license to a person to carry a pistol in a vehicle or concealed on or about his person pursuant to Section 177, Title 14, Code of Alabama, 1940, as last amended, shall be Five Dollars (\$5.00).

By Messrs. Lutz, Riddick, Smith (B) and Gregg (with notice and proof):

H. 1037. To change the compensation of each member of the County Commission, except for the Chairman thereof, of Madison County, Alabama.

By Messrs. Gregg and Lutz (with notice and proof):

H. 1038. To change the compensation of the Tax Collector of Madison County, Alabama.

By Messrs. Gregg and Lutz (with notice and proof):

H. 1039. To change the compensation of the Tax Assessor of Madison County, Alabama.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Hill, Greer and Coburn (with notice and proof) (With Substitute):

H. 1047. Relating to Lauderdale County; to further amend Sections 1, 2, 3, 4, 7, 8 and 10 of Act No. 296 adopted by the 1949 Regular Session of the Legislature of the State of Alabama approved July 28, 1949 (Acts of Alabama of 1949, pp. 426 to 433), as amended by Act No. 470 adopted by the 1959 Regular Session of the Legislature of Alabama, approved November 13, 1959 (Acts of Alabama of 1959, Vol. 2, pp. 1165-1170), relating to privilege or license taxes or excise taxes in Lauderdale County (outside the corporate limits of the City of Florence) and in the City of Florence, Lauderdale County; levying in such county (outside the city limits of Florence) and in such municipality additional privilege license and excise taxes paralleling the state sales and use taxes provided for in Act No. 100, Second Special Session 1959 (Acts 1959, p. 298), as amended, and in Articles 11, 11A and 11B, Title 51, Code of Alabama, 1940, as amended; providing that the taxes levied in Sections 1 and 3 of this Act shall be subject to all of the exemptions, definitions, proceedings, rules, regulations, requirements, provisions, penalties, fines, punishments and deductions set out in Act No. 100, adopted by the 1959 Second Special Session of the Legislature of Alabama, approved August 18, 1959, as amended, except where inapplicable or where herein otherwise provided; providing that the taxes levied in Sections 2 and 4 of this Act shall be subject to all of the exemptions, definitions, proceedings, rules, regulations, requirements, provisions, penalties, fines, punishments and deductions set out in Articles 11, 11A and 11B of Chapter 20 of Title 51 of the Code of Alabama of 1940, as amended, except where inapplicable or where herein otherwise provided; providing for the alternative collection of such taxes and the enforcement and administration of the Act by the State Department of Revenue if authorized and directed by the governing body of Lauderdale County; and further providing a procedure by which the governing body of Lauderdale County may discontinue availing itself of the alternative collection of such taxes and the enforcement of the Act by the State Department of Revenue after election to invoke such alternative collection and enforcement procedures has been made.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Greer, Hill and Coburn (with notice and proof):

H. 1055. Relating to Lauderdale County; authorizing the county commission to provide parking facilities near the county courthouse and to regulate parking on county property around the courthouse; providing penalties for violations.

By Messrs. Greer, Hill and Coburn (with notice and proof):

H. 1056. To authorize the Lauderdale County Board of Education to set and establish sick leave and annual leave, and rules pertaining thereto for employees other than teachers so that said employees may, at the discretion of said County Board, participate in leave allowances.

By Messrs. Greer, Hill and Coburn (with notice and proof):

H. 1057. Relating to Lauderdale County; providing for an expense allowance for members of the Lauderdale County Board of Education.

By Messrs. Hill, Greer and Coburn (with notice and proof):

H. 1058. To authorize the city of Florence to declare noxious or dangerous weeds growing upon the streets or sidewalks, or upon private property within said city, or any accumulation of trash, rubbish, junk or debris, or any unsightly or dangerous walls, or any abandoned construction of any kind or nature, or motor vehicles or machinery not in operating condition, or any debris of a burned building, or any abandoned or unused swimming pool, or any abandoned wells or cisterns, to be a public nuisance and creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Cross (With Substitute):

H. 1071. Relating to the stenographic secretary appointed by the district attorney in every judicial circuit, composed of one county with a population of not less than 27,000 nor more than 27,900, so as to authorize an additional expense allowance for the stenographic secretary.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Baker and Whatley:

H. 1116. To create the positions of and establish a salary range for the positions of stenographic secretary for each of the judges of the 26th judicial circuit.

By Messrs. Whatley and Baker:

H. 1117. To provide further for solicitor's and district attorney's fees in the 26th Judicial Circuit; establishing a "District Attorney's Fund" and providing for its use and expenditure.

By Messrs. Baker and Whatley (with notice and proof):

H. 1118. Relating to Russell County; to authorize the Russell County Commission to pay certain expenses incurred relative to certain investigations carried out by the District Attorney or Sheriff and to prescribe procedure for making such payments.

By Messrs. Baker and Whatley (with notice and proof):

H. 1119. Relating to Russell County; to provide an expense allowance for the coroner in said county.

By Messrs. Sasser and Williams (with notice and proof):

H. 1158. Relating to Dale County; providing additional compensation for the official court reporter of the Thirty-third Judicial Circuit, payable by the county.

By Messrs. Greer, Coburn and Hill (with notice and proof):

H. 1170. Relating to Lauderdale County; to provide for the salary of the members of the Jury Commission.

By Messrs. Rich and Taylor:

H. 1172. Relating to all counties having a population of 90,000 to 100,000 inhabitants according to the most recent Federal Decennial Census; to provide that all county boards of education in such counties, shall have the power to borrow against revenues derived from the sale of malt or brewed beverages for capital outlay purposes; to provide for the allocation of such revenues; to provide in whom the power to secure loans shall be invested and the procedure to follow; to provide for the payment of any outstanding indebtedness should the voters of any such counties, at any time in the future vote to prohibit legal sales of alcoholic beverages; to provide that all laws in conflict are hereby repealed and its becoming effective upon its signing by the Governor or it otherwise becoming law.

By Messrs. Drake and Sparks (with notice and proof):

H. 1212. Pertaining to Cullman County; to abolish the office of Register in Chancery of the Thirty-Second Judicial Circuit; to provide that the Circuit Clerk of said circuit shall henceforth perform the duties and functions of said Register; to provide that such change shall become effective on January 17, 1977; and establish the yearly salary for the Circuit Clerk.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable



report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Drake and Sparks (with notice and proof) (With Amendment):

H. 1214. Relating to Cullman County; to reimburse the office of the judge of probate for any monetary loss resulting in the performance of official duties from errors or mistakes, made in good faith, and upon proper certification by the state auditor, not to exceed a maximum of fifteen hundred dollars per annum; making the provisions herein retroactive to October 1, 1972.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Drake and Sparks (with notice and proof):

H. 1216. To provide further for the expense allowances of certain county officers and officials of Cullman County.

By Mr. Sparks (with notice and proof):

H. 1229. Relating to all counties in the State of Alabama having a population of not less than 52,000 nor more than 52,500 according to the most recent federal decennial census; relieving the clerk and register of the circuit court of all such counties of the duty of subscribing for, taking, filing, causing to be bound, and kept in their respective offices, copies of daily and weekly newspapers published in the county.

By Messrs. Carter and Moore (W):

H. 1234. To require every county in the state of Alabama having a population of not less than 39,500 nor greater than 41,750 to provide a civil service merit system governing its law enforcement officers or to enter into an agreement for participation in the state merit system.

By Mr. Glass, et al:

H. 1235. To amend Section 1 of Act No. 1852, H. 2568, Regular Session 1971 (Acts 1971, p. 3009) relating to counties having populations of not less than 300,000 nor more than 600,000 providing for the relief of Nollie Thompson.

By Mr. Cates:

H. 1248. Proposing an amendment to the Constitution of Alabama relating to the compensation of certain officers of Butler County.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Campbell (with notice and proof):

H. 1252. Authorizing the county commission of Choctaw County to pay the sheriff of Choctaw County a monthly expense allowance of two hundred fifty dollars (\$250.00).

By Messrs. Smith (B) and Lutz (with notice and proof):

H. 1263. To change the Law Library tax charged in criminal cases in the General Sessions Court of Madison County, Alabama.

By Mr. Warren (with notice and proof):

H. 1265. To provide an additional expense allowance for the tax collector of Conecuh County.

By Mr. McCorquodale (with notice and proof):

H. 1272. Relating to Clarke County; to provide for branch banking.

By Mr. Smith (M) (with notice and proof):

H. 1296. To authorize the Chambers County Commission or other like governing body to appoint an assistant county engineer; to provide for his compensation; to prescribe certain qualifications and duties; to provide for state participation in his salary and to repeal conflicting laws.

By Messrs. Smith (M), Higginbotham, Turnham and Morris:

H. 1325. To apply in all counties having populations of not less than 35,000 nor more than 38,000, according to the most recent Federal decennial census, to provide for the relief of Wilma M. Atkinson because of property damage sustained to her automobile.

By Messrs. Roberts, Drake, Cross and Martin (with notice and proof):

H. 1327. Relating to Morgan County; to provide for an annual salary for the coroner and a retroactive expense allowance; and to provide for the salary and expense of the coroner to begin with the next term of office.

By Messrs. Hines and Warren:

H. 1366. Relating to counties having populations of not less than 34,875 nor more than 36,000 inhabitants, according to the most recent federal decennial census, authorizing an appropriation from county funds for certain purposes.

By Messrs. Taylor, Ford and Rich:

H. 1379. To repeal Act No. 164, H. 132, approved May 5, 1975, Third Special Session, 1975 entitled "An Act Relating to counties having a population of not less than 90,000, nor more than 100,000, according to the most recent federal decennial census; to authorize the County Commission, Board of Revenue or like governing body to impose an additional privilege or excise tax upon the sale, use or consumption of malt or brewed beverages within such counties; providing for the administration of the act and the collection and distribution of proceeds of the tax."

By Messrs. Taylor, Ford and Rich:

H. 1380. To repeal Act No. 209, H. 133, approved May 5, 1975, Third Special Session, 1975 entitled, "An Act Relating to counties having a population of not less than 90,000 nor more than 100,000, according to the most recent or any subsequent federal decennial census; authorizing the county commission, board of revenue or like governing body to impose

a privilege or license tax upon the sale, distribution, storage, use or other consumption of cigarettes in such counties; providing for enforcement and collection of the tax, and making provisions for the distribution of the proceeds".

By Mr. McCorquodale (with notice and proof):

H. 1384. Relating to Clarke County, Alabama; providing for the time of the meetings of the Clarke County Commission.

By Messrs. Hines and Warren (with notice and proof):

H. 1420. To alter and rearrange the boundary lines of the Town of Flomaton, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory in Escambia County, Alabama, contiguous of said Town.

By Mr. Rich (with notice and proof):

H. 1455. To amend Act No. 505 of the Regular Session of 1963 (Acts, 1963, page 1087), as amended by Act No. 1094 of the Regular Session of 1969 (Acts, 1969, page 2028), and by Act No. 848 of the Regular Session of 1971 (Acts, 1971, page 1610), which establish and provide for the operation of the Cherokee County Court, amending Sections 4, 7, 12 (b), 13 (a), and 13 (e) of such Act, so as to abolish trial by jury in both civil and criminal cases in said Cherokee County Court, and to further provide for jury trial by appeal to the Cherokee County Circuit Court and trial de novo in either civil or criminal cases so appealed; to further provide for authority of the Judge of the Cherokee County Court to suspend sentences, place defendants on probation, and remit fines and costs in all criminal cases tried before the Cherokee County Court; to further provide for the collection of a trial tax for cases docketed in the Cherokee County Court; and to further provide for the transfer to the Cherokee County Circuit Court all civil and criminal cases presently pending in the Cherokee County Court wherein a jury trial has been demanded.

By Messrs. Manley and Pegues (with notice and proof):

H. 1459. Relating to Marengo County: to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in certain jails of the county, and providing for a rehabilitation board to supervise and administer the rehabilitation processes of this Act; to provide further for the carrying out of the provisions of this Act.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. King (With Substitute):

S. 949. To provide further in regard to activities prohibited on Sunday; to repeal Sections 420, 421, and 422, Title 14, Code of Alabama, as last amended; and to enact new provisions, and to prescribe punishment for violations of the provisions of this act.

By Mr. McMillan (With Substitute):

S. 734. To provide for the temporary release of certain persons convicted of a felony and sentenced to a term of confinement and treatment in a state correctional institution under the jurisdiction of the Board of Corrections to seek employment and a place of residence in the community where he will reside after release from his sentence.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Ellis, Torbert and Vacca:

S. 338. Relating to drivers' licenses; providing for revocation of drivers' licenses under certain circumstances; and providing penalties for violation of the provisions of this Act.

By Mr. Ford, et al:

H. 531. To further provide for the authority of police officers appointed pursuant to the provisions of Section 500 of Title 52 of the Code of Alabama of 1940, as amended, and Act No. 1125, adopted at the 1969 Regular Session of the Legislature of Alabama.

By Mr. McMillan:

S. 736. Relating to the securing of testimony of convicts in certain cases; requiring the sheriff of the county in which a writ is issued to secure the appearance of such convicts to be responsible for transporting such convicts and relieving the Commissioner of the Board of Corrections from such responsibility; providing reimbursement for the sheriff, his deputies or agents for the expenses of transporting such convicts at the same rate as other state employees are reimbursed, to be paid out of the state general fund; repealing conflicting laws and specifically repealing and superseding the conflicting provisions of Title 45, Sections 61 and 62 to the extent of such conflict.

By Mr. McMillan:

S. 737. To amend Code of Alabama 1940, Title 15, Section 325 relative to place of confinement for persons sentenced to three years or less imprisonment.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Vacca and Pearson (With Amendment):

S. 504. To be known as the Alabama Rules of the Road Act, providing rules of highway and traffic safety, establishing general rules relating to the effect of traffic laws, establishing certain traffic laws and penalties for the violation thereof, providing for the establishment of traffic signs, signals and markings, and providing for certain powers of the state highway department and the department of public safety of this state.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Shelby (with notice and proof) (With Substitute):

S. 741. To repeal Act No. 1025, S. 506, of the 1973 Regular Session (Acts 1973, p. 1562), entitled "An Act To create the office of Ex-officio Judge of any County Court exercising original jurisdiction over general misdemeanors in Judicial Circuits composed of only one county and having a population of not less than 110,000 people nor more than 160,000 people according to the last and any subsequent decennial Federal census; to prescribe the powers, duties and authority of the Ex-officio Judge; to provide for the appointment of such Ex-officio Judge, the fixing of his salary, and the furnishing of quarters, supplies and assistants to him, and to provide a Supervisory Board, and prescribe its authorities and responsibilities," and also Act No. 152, S. 71, of the Third Special Session of 1975 (now in manuscript form), which is amendatory of said Act No. 1025 of the 1973 Regular Session.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Mims (with notice and proof):

S. 1115. To authorize establishment of branch banks in Monroe County.

By Mr. Waldrop:

S. 1170. Relating to all cities having a population of 7,000 to 8,000 inhabitants, according to the most recent Federal Decennial Census; to provide that all city boards of education in such cities shall have the power to borrow against revenue derived from the sale of malt or brewed beverages for capital outlay purposes; to provide for the allocation of such revenues; to provide in whom the power to secure loans shall be invested and the procedure to follow; to provide for the payment of any outstanding indebtedness should the voters of any such cities, at any time in the future, vote to prohibit legal sales of alcoholic beverages; to provide that all laws in conflict are hereby repealed; and its becoming effective upon its signing by the Governor or its otherwise becoming law.

By Mr. Morris:

H. 423. To amend further Act No. 421, H. 627 of the Regular Session of 1959 (Acts 1959, p. 1113) as amended, which authorizes the district attorney of the Fifth Judicial Circuit to appoint a stenographic secretary, so as to adjust the compensation of such secretary.

By Messrs. Merrill, Shelton, Burgess and Quarles:

H. 780. To amend Section 3.06 of Act No. 404, S. 430, 1953 Regular Session (Acts of 1953, p. 472), as amended, entitled "An Act To permit any city in the State of Alabama having a population of more than thirty thousand and not exceeding thirty-three thousand according to the last or

any succeeding federal census to adopt the council-manager form of municipal government, to provide for the calling and holding of elections to vote thereon, to provide for the election and term of the first council, to define the legal status, form of government and powers of the city, to provide for subsequent elections of members of the council, their number and their terms of office, to provide for the qualification, powers and authority of the council, the mayor and the city clerk, and for the election of the mayor and city clerk, to provide for the appointment and removal and to define the powers of the city manager, to provide for an annual budget, its preparation, submission, adoption and effect, to create and define the powers and duties of a department of finance and of the director thereof, to regulate purchases and contracts of the city, and to define their powers and authority, to set up the terms and effects of succession in government of any city adopting the council-manager form of government, to provide for the establishment and re-establishment of wards, to make various other provisions for such form of government of any such city, and to provide for the means of abandoning the council-manager form of government," so as to provide that candidates for the post of council member may also run for the designated post of mayor, with the candidate receiving the greatest number of votes being automatically designated mayor for a four-year term.

By Mr. Owens (with notice and proof):

H. 803. To amend Sections 6, 7 and 10 of Act No. 727, H. 1714, 1973 Regular Session (Acts of 1973, p. 1086) relating to Bibb County so as to provide further for the method of compensation of the probate judge and his assistants, the assistants of the circuit clerk and to change the effective date as to the probate judge and his assistants to July 1, 1975.

By Mr. Owens (with notice and proof):

H. 805. To amend Act No. 869, H. 1197, 1969 Regular Session (1969 Acts, p. 1579), which act provides for an expense allowance for the members of the board of education in Bibb County, so as to provide further for such expense allowance.

By Mr. Owens (with notice and proof):

H. 809. To provide that the clerk of the Circuit Court of Bibb County shall be entitled to certain warrant fees in addition to any other compensation or allowances heretofore provided by law.

By Mr. Owens (with notice and proof):

H. 810. Relating to Bibb County; to require the county commission to establish a county-wide personnel and merit system under the provision of the State Personnel Department.

By Messrs. Lee and Owens:

H. 917. To authorize any county governing body in the Sixth Judicial Circuit to furnish to the office of District Attorney necessary personnel, equipment and supplies.

By Messrs. Lee and Owens:

H. 918. Relating to the compensation of the Legal Stenographer of the District Attorney of the Sixth Judicial Circuit, amending Act No. 657 of 1973 Regular Session of Legislature of Alabama.

By Messrs. Lee and Owens:

H. 919. To create the office of Deputy District Attorney No. 5 of the Sixth Judicial Circuit and provide for the appointment, duties and compensation of such office.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Owens (with notice and proof) (With Amendment):

H. 1124. To create the office of ex-officio judge of the Tuscaloosa County Court; to prescribe the powers, duties and authority of the ex-officio judge; to provide for the appointment of such ex-officio judge, the fixing of his salary, and the furnishing of quarters, supplies and assistants to him; and to provide a supervisory board, and prescribe its authorities and responsibilities.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Campbell (with notice and proof):

H. 1198. To amend Act No. 2312, S. 1053, 1971 Regular Session (Acts 1971, p. 3734), entitled "An Act Relating to Choctaw County; to provide for the appointment of the County Superintendent of Education; to prescribe the qualifications, duties, term of office, and compensation of such offices; and to repeal all conflicting laws" relative to the compensation of the Superintendent of Education; and to repeal Section 5 of said Act No. 2312.

By Mr. Campbell (with notice and proof):

H. 1471. To amend Act No. 2312, S. 1053, 1971 Regular Session (Acts 1971, p. 3734), entitled "An Act Relating to Choctaw County; to provide for the appointment of the County Superintendent of Education; to prescribe the qualifications, duties, term of office, and compensation of such offices; and to repeal all conflicting laws" relative to the compensation of the Superintendent of Education; and to repeal Section 5 of said Act No. 2312.

By Mr. McDonald (A) (with notice and proof):

S. 1162. To regulate and control the sale of alcoholic beverages in Madison County, Alabama; to authorize the City of Triana in said County to license, regulate, and control the sale of alcoholic beverages within the corporate limits and the police jurisdiction thereof; to provide that the Council or other governing body of the City of Triana, in Madison County, shall have the power to suspend or revoke any retail liquor or malt or brewed beverage license issued by said city; to provide for the reclassification of existing retail malt and brewed beverages and retail liquor licenses; to provide that nothing herein shall relieve any licensee from complying with all of the laws of the State of Alabama and the rules and regulations of the Alcoholic Beverage Control Board of the State of

Alabama pertaining to said licensee; to provide that licensees have all required food handling permits from the Madison County Department of Public Health; to provide for the revocation and suspension of licenses for certain violations; to regulate the hours of retail liquor and retail malt or brewed beverage establishments within said County; to provide for the prompt reporting of all assaults, assault and batteries, affrays, and other altercations occurring upon licensed premises.

By Messrs. Gregg and Smith (B) (with notice and proof):

H. 1081. To regulate and control the sale of alcoholic beverages in Madison County, Alabama; to authorize the City of Triana in said County to license, regulate, and control the sale of alcoholic beverages within the corporate limits and the police jurisdiction thereof; to provide that the Council or other governing body of the City of Triana, in Madison County, shall have the power to suspend or revoke any retail liquor or malt or brewed beverage license issued by said city; to provide for the reclassification of existing retail malt and brewed beverages and retail liquor licenses; to provide that nothing herein shall relieve any licensee from complying with all of the laws of the State of Alabama and the rules and regulations of the Alcoholic Beverage Control Board of the State of Alabama pertaining to said licensee; to provide that licensees have all required food handling permits from the Madison County Department of Public Health; to provide for the revocation and suspension of licenses for certain violations; to regulate the hours of retail liquor and retail malt or brewed beverage establishments within said County; to provide for the prompt reporting of all assaults, assault and batteries, affrays, and other altercations occurring upon licensed premises.

Mr. Fine, Chairman of the Standing Committee on Banking, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Armstrong, Hilliard, Ford and Glass:

H. 316. To amend Act No. 246, Page 203, Acts of 1943, which relates to the investment of funds of counties, cities and towns so as to provide that a savings and loan association, organized either under the laws of the State of Alabama or of the United States may be appointed as a depository of municipal or county funds.

### INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Owen:

S. 1172. To amend Section 9, Title 33, Code of Alabama, 1940, by striking the words "or registrar or recorder of deeds" from the said section.

Committee on Finance and Taxation.

By Mr. Stewart:

S. 1173. To apply only in counties having populations of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census, legalizing the sale of draft or keg beer or malt beverages in such counties.

Committee on Local Legislation No. 1.



By Mr. Roberts:

S. 1174. To amend Section 3 of Act No. 1945, Regular Session of the 1971 Alabama Legislature to provide that in all counties having populations of not less than 300,000 nor more than 600,000 inhabitants according to the most recent or any subsequent federal decennial census, the county engineer need not be qualified as a land surveyor in order for the State Highway Department to participate in the payment of a portion of said county engineer's salary.

Committee on Local Legislation No. 1.

By Mr. Roberts:

S. 1175. To amend Section 193 of Title 51, Code of Alabama 1940, which section provides that a fee of fifty cents be paid by each delinquent taxpayer to the tax collector for making actual demand on such taxpayer for delinquent taxes, so as to increase said fee for making actual demand on delinquent taxpayers to two dollars, and to provide for the distribution thereof.

Committee on Finance and Taxation.

By Mr. Fine:

S. 1176. Relating to counties having a population of not less than 23,900 nor more than 24,450 inhabitants according to the most recent federal decennial census; to provide an additional expense allowance for certain education officials in such counties.

Committee on Local Legislation No. 1.

By Mr. Stewart:

S. 1177. To provide for the City of Oxford in Calhoun County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the city; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To provide for the City of Oxford in Calhoun County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the city; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in the City of Oxford in Calhoun County.

Section 2. As used in this act, unless the context clearly requires a different meaning: "city" means the City of Oxford in Calhoun County; "employee" means any person including firemen and policemen, not

excepted by Section 3 of this act, who is employed in the service of the City of Oxford; "board" means the civil service board created by this act; "appointing authority" means in the case of employees in the offices of the elected officers of the city, such elected officers; in the case of all other city employees, the city governing body, or the board or other agency supervising their work.

Section 3. The provisions of this act shall apply to all officers and employees in the service of the city or any board, agency or instrumentality thereof except: (a) elective officers; (b) members of appointive board, commissions, and committees; (c) all employees of the city board of education engaged in the profession of teaching or in supervising teaching in the public schools; (d) attorneys, physicians, surgeons, nurses and dentists employed in their professional capacities and employees under the direct or indirect supervision of the Oxford Hospital Board; (e) the judge of any court; (f) independent contractors receiving their remuneration from public funds under contracts awarded by competitive bidding; (g) any person whose employment is subject to the approval of the United States government or any agency thereof; (h) all employees of the Water and Sewer Board; (i) heads of departments, including but not limited to the Police Chief, the superintendent of the sanitation department, the recreation director of the City Clerk.

Section 4. All employees of the city shall be governed by civil service rules and regulations prescribed in or promulgated pursuant to this act, administered by a civil service board, the creation of which is provided for in Section 5 hereof. Present employees shall remain in their respective employments during good behavior; but nothing herein shall be construed to prevent or preclude the removal of an employee for cause in the manner hereinafter provided; and such employees, except for appointment, shall be subject fully to the provisions of this act.

Section 5. There is hereby created the Civil Service Board of the City of Oxford, which shall be composed of five members appointed by the members of the legislature who represent the City of Oxford or any portion thereof. Appointees shall serve for terms of one (1) year; two (2) years, three (3) years; four (4) years and five (5) years respectively, or until his successor is appointed. Thereafter, all appointees shall serve for a period of six (6) years. Initial terms of office shall be determined by drawing names after nominees have been appointed. No person shall be appointed to the board who is not a resident and qualified elector of the City of Oxford and over the age of twenty-five years.

Members of the board shall take the constitutional oath of office, which shall be filed in the office of the probate judge. Vacancies on the board shall be filled in the same manner as original appointments. The members of the board shall elect a chairman and secretary from among their number. Any member of the board who becomes a candidate for, or is elected or appointed to another public office vacates his office as a member of the board.

Section 6. Each member of the board shall be paid twenty dollars per month by the City of Oxford. The board shall have power to appoint clerical assistance and engage legal counsel of its own choice.

Section 7. The board shall fix the times for its regular meetings; and it may hold special, adjourned or call meetings at any time. A majority of the members of the board shall constitute a quorum for the transaction of business. All meetings of the board shall be held in the city hall.

Section 8. The board shall keep minutes of its meetings and a record of all business transacted by it. Its records, except those the rules of the board require to be held confidential for reasons of public policy, shall be open for inspection by any resident of the city at all reasonable times.

Section 9. The board shall have power to make rules and regulations governing examinations, eligible registers, appointments, transfers, salaries, promotions, demotions, annual and sick leave, and such other matters as may be necessary to accomplish the purposes of this act. A rule or regulation may be made effective only after a public hearing is held on the proposal thereof and after a certified copy thereof has been filed with the city clerk. All employees shall be appointed upon a non-partisan merit basis. There shall not be appointed, and the board shall not examine, any person who is not a citizen of the United States. The board shall: (1) classify the different types of services to be performed in the service of the city; (2) prescribe qualifications, including those of education, training, and experience, for the appointees and incumbents of each class; (3) with the approval of the appointing authority, fix a maximum and minimum salary for each class; and (4) allocate each position in the service to its proper class. It shall provide for the periodic rating of employees according to their merit to determine whether they are maintaining standards of service. The board shall establish rules and regulations governing dismissals, suspensions, layoffs, terminations, and leaves of absence, and the severance of an employee's relationship with the city shall be in accordance with such regulations.

Section 10. The salary to be paid each subordinate employee shall be determined by his appointing authority; and the salary to be paid each department head employee shall be determined by the city governing body; but in every case the salary paid shall be within the pay plan and pay rules and regulations established by the board and shall be no more than the board approves. It shall be unlawful for any official or employee to draw or issue any warrant on the city treasury for the payment of salary to any employee covered by the provisions of this act unless the warrant is in an amount authorized by the board to be paid such employee. A sum paid as salary contrary to the provisions of this section may be recovered in an action brought by any resident of the city against the official or employee who draws or issues the warrant, or against the sureties on his bond.

Section 11. The board shall make and keep a register of all persons eligible and available for appointment to each class of position in the service of the city, ranked according to ability; it is provided, however, that no examination shall be given and no register kept for positions to be filled by persons designated by the board as common laborers. Layoffs available for reemployment shall be placed at the head of the proper present and subsequent eligible registers in the inverse order of their terminations. Employees who voluntarily terminate their services may be granted reemployment status upon proper eligible registers under such circumstances and in such manner as may be provided for in the board's rules and regulations, subject, however, to stipulations of this section concerning layoffs. Persons desiring appointment may file applications with the board, and the board shall, from time to time, conduct examinations to test the ability of such applicants. All qualified applicants shall be examined, and examinations shall be public, competitive, and, subject to limitations specified by the board as to age, residence, health, height, weight, habits, moral character, and other factors pertinent to

ability to discharge the duties of the position, open to all citizens of the United States. Examinations shall be practical in character and shall relate to those matters which test the ability of the person examined to discharge intelligently the duties of the position for which he applies. In no case shall an appointment be made from an eligible register which is more than two years old, and no eligible register shall be the result of more than one examination.

Section 12. Whenever a vacancy exists in any position in the service of the city, it shall be filled by appointment of one of the three persons who rank highest on the appropriate eligible register of the board or by transfer within the service of the city from another position of the same class. However, the ranking layoff of the same class shall be appointed in every instance. Whenever it is impossible for the board to certify eligible persons to a vacancy, the board may authorize the appointing authority to fill the vacancy temporarily pending the establishment of an eligible register. No such authorization may be given for longer than one hundred and twenty days, and no such employee shall have status under this act. All appointments, other than temporary appointments, shall be probationary for six months from the date of appointment: A probationary subordinate employee may be discharged by his appointing authority for unsatisfactory service at any time before the expiration of that period if the action is approved by the board; a probationary department head employee may be discharged or demoted similarly by his appointing authority upon approval by the board. After the expiration of the probationary period, an appointment shall become permanent.

Section 13. An appointing authority, shall have authority to suspend an employee for any personal misconduct, or fact, affecting or concerning his fitness or ability to perform his duties in the public interest. In the event an employee is suspended for more than thirty days, he shall be entitled to a public hearing by the board upon written demand filed within five days from the date of the order of suspension. If, after hearing, the board determines that the action of the appointing authority was not with cause, the suspension shall be revoked.

Section 14. (a) The governing body of the city, any member of the governing body, or the head of any department or office can remove, discharge, or demote any employee, officer or official of the city who is subject to the provisions of this act and who is directly under such governing body, member thereof, or department head, provided that within five days a report in writing of such action is made to the board, giving the reason for such removal, discharge, or demotion. The employee shall have ten days from the time of notification of his discharge, removal, or demotion in which to appeal to the board. The board shall thereupon order the charges or complaint to be filed forthwith in writing and shall hold a hearing de novo on such charges. No permanent employee, officer, or official of the city whose employment comes within the jurisdiction of this act, and whose probationary period has been served, shall be removed, discharged, or demoted except for some personal misconduct, or fact, rendering his further tenure harmful to the public interest, or for some cause affecting or concerning his fitness or ability; and if such removal, discharge or demotion is appealed to the board, then the same will become final only after a hearing upon written charges or complaint has been had and after an opportunity has been given him to face his accusers and be heard in his own defense. Pending a hearing on said appeal, the affected employee may be suspended; and after such hearing the board may order

said employee reinstated, demoted, removed, discharged, or suspended, or take such other disciplinary action as in their judgment warranted by the evidence and under the law. Charges may be filed by any resident citizen of the city as follows: the charges must be in writing, must set forth succinctly the matters complained of, and must be sworn to before any member of the board or before any person authorized to administer oaths. Upon the receipt of such charges, the board, after due consideration, shall determine whether in its opinion it considers that the good of the service will be served by a trial thereon; and, if not, such charges may be dismissed by the board. If in the judgment of the board such charges are of a minor nature, such charges may be referred by the board to the proper department head who shall make an investigation of the charges and make his recommendation to the board within such time as the board may prescribe, as to what disciplinary action, if any, should be taken. After such recommendation is made by the department head and after due notice is given to the affected employee of the receipt of such recommendation and the contents thereof, the board may, in its discretion, adopt and order executed the action recommended by the department head or any part thereof. However, if the complainant or the affected employee, or both of them, objects to the recommendation of the department head, the board shall hold a public hearing de novo on the charges, and take such disciplinary action as in their judgment is warranted by the evidence and under the law. All hearings before the board shall be open to the public. All testimony given in all hearings before the board shall be taken down in shorthand by a stenographer. In all cases, the decision of the board shall be reduced to writing and entered in the record of the case. In all proceedings before the board, the city attorney may appear and prosecute all charges instituted by the city governing body or any member thereof or by any department head, when requested or directed to do so by such city governing body. It shall not be the duty of the city attorney to prosecute any charges brought by a private citizen. In all proceedings before the board, the city attorney may appear and represent the interests of the city, and he shall also give such legal advice and legal assistance to the board as may be requested by it.

The board and its specially authorized representatives shall have the power to administer oaths, take depositions, certify official acts, and issue subpoenas to compel the attendance of witnesses and production of papers necessary as evidence in connection with any hearing, investigation, or proceeding within the purview of this act. The chief of police or some other police officer of the city shall serve all processes of the board, and shall attend upon and preserve order at all public hearings conducted by the board. In case a person refuses to obey such subpoena, the board or its representative may invoke the aid of any circuit court in order that the testimony or evidence be produced. Upon proper showing, such court shall issue a subpoena or order requiring the person to appear before the board or its representative and produce all evidence and give all testimony relating to the matter in issue. A person who fails to obey such subpoena order may be punished by the court as for contempt. The fees of witnesses for attendance and travel shall be the same as fees for witnesses in the circuit courts of this state, which fees shall be paid from the treasury of the city.

b) Any person aggrieved by a decision of the board may appeal such decision to the circuit court of Calhoun County in equity within thirty days from the rendition of such decision by the board. Review by the court shall be without a jury and be confined to the record, and to a determination of

the questions of law presented; the board's findings of fact shall be final and conclusive.

Section 15. No employee shall make, solicit or receive any assessment, donation, subscription or contribution for any political purpose whatsoever, or be a member of a committee or an officer of a political party, or take any part in its management or affairs except to exercise his right as a citizen to express his opinion and cast his vote; no employee shall assist any candidate for nomination or election to public office, or make any public statement in support of or against any such candidate, or participate in any manner whatever in the campaign of any candidate in any general or primary election; and no employee shall receive any appointment or advancement as a reward for his support of a candidate for office or a political party; nor shall he be dismissed, suspended or reduced in rank or pay as punishment for his failure to support any candidate for political office.

Section 16. The compensation and all other expenses of the board arising under the provisions hereof shall be paid from funds of the city on the order of the board in the same manner as other city salaries and expenses are paid, provided, however, that the total expenditures in any one year shall not exceed Five Thousand Dollars (\$5,000.00) without the approval of the city governing body. The city governing body shall provide the board an office in the city hall, which shall be suitably equipped and furnished for the needs of the board, and telephone service, postage, office supplies, and stationery.

Section 17. Any person in the service of the city by appointment under civil service rules or regulations who wilfully violates any of the provisions of this act, or any rule or regulation issued in pursuance thereof, shall be dismissed from service under the system and shall not be reappointed for two years.

Section 18. Any person who violates any of the provisions of this act shall be guilty of a misdemeanor.

Section 19. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 20. All laws or parts of laws which conflict with this act are repealed.

Section 21. The provisions of this act shall become effective in the City of Oxford only if approved by a majority of the electors of that City voting in a referendum to be held in said city on the thirtieth day following the passage of this act. The governing body shall order and provide for the holding of the referendum on such date. On the ballots to be used at the election the question shall be stated substantially as follows: "Shall the provisions of Act No. \_\_\_\_\_, of the 1975, Regular Session of the Legislature, approved the \_\_\_\_\_ day of \_\_\_\_\_, 1975, which relates to the creation of a civil service system for the city, be adopted. Yes ( ) No ( )." If a majority of the votes cast in the election are "Yes", the provisions of this act shall become effective immediately. If the majority are "No" this act shall have no effect. The City Clerk shall notify the Secretary of State of the results of such election.

## PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF CALHOUN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Phillip Sanguinetti, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was President of the Anniston Star, a newspaper of general circulation published in Calhoun County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on August 23, August 29, September 5, and September 8, all in the year 1975.

PHILLIP SANGUINETTI.

Sworn to and subscribed before me September 9, 1975.

LOLA J. BRIGHT,  
Notary Public.

By Mr. Perry:

S. 1178. To alter, rearrange and extend the boundaries of the Town of Blue Springs, so as to include within the corporate limits thereof certain additional territory in portions of Section 13, 14, 23, and 24, Township 8 North, Range 25 East, Barbour County, Alabama.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
BARBOUR COUNTY

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To alter, rearrange and extend the boundaries of the Town of Blue Springs, so as to include within the corporate limits thereof certain additional territory in portions of Section 13, 14, 23, and 24, Township 8 North, Range 25 East, Barbour County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the Town of Blue Springs, in Barbour County, Alabama, be and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said town certain additional territory lying within the following described boundaries, to-wit:

Commence at the Northwest corner of the Southeast Quarter of Northeast Quarter, Section 14, Township 8 North, Range 25 East and thence run due East along the quarter section lines for a distance of 6600

feet to the Northeast corner of the Southeast Quarter of Northeast Quarter, Section 13, Township 8 North, Range 25 East; thence run due South along the Eastern boundary of Range 25 a distance of 7920 feet to the Southeast corner of the Northeast Quarter of Southeast Quarter, Section 24, Township 8 North, Range 25 East; thence run due West along the quarter section lines for a distance of 6600 feet to the Southwest corner of the Northeast Quarter of the Southeast Quarter, Section 23, Township 8 North, Range 25 East; and thence run due North along the quarter section lines for a distance of 7920 feet to the point of beginning, being the Northwest corner of the Southeast Quarter of Northeast Quarter, Section 14, Township 8 North, Range 25 East.

Section 2. That this Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

#### AFFIDAVIT OF PUBLICATION

##### STATE OF ALABAMA BARBOUR COUNTY

Before me, Rebecca Kelly a Notary Public in and for said County and State, personally appeared Mrs. Bertie G. Parish, who being duly sworn, deposes and says on oath, that she is the Publisher of The Clayton Record, a newspaper published weekly in the Town of Clayton, Barbour County, Alabama, and that the attached notice Extension of Blue Springs City Limits was published in said newspaper 4 consecutive times. The same appearing in the issue dated July 24, 31; Aug. 7, 14, 1975.

MRS. BERTIE G. PARISH,  
Publisher of The Clayton Record.

Sworn to and subscribed before me this the 5 day of September, 1975.

REBECCA KELLY.

#### BILL RE-REFERRED

Mr. Owen moved that the Bill, H. B. 191, be removed from the Standing Committee on Finance and Taxation and re-referred to the Standing Committee on Insurance, pursuant to Senate Rule 50 (10).

And the President and Presiding Officer of the Senate ordered said Bill, H. B. 191, removed from the Standing Committee on Finance and Taxation and re-referred to the Standing Committee on Insurance.

#### RESOLUTIONS

Mr. Powell offered the following Senate Joint Resolution, to-wit:

S. J. R. 118. TO NAME THE MEDICAL AND DIAGNOSTIC CENTER OF THE ALABAMA PRISON SYSTEM THAT IS LOCATED IN MONTGOMERY COUNTY "THE KILBY CORRECTIONS FACILITY."

WHEREAS Governor Thomas E. Kilby made a national reputation for his outstanding work in prison reform in Alabama; and

WHEREAS the former Kilby Prison in Montgomery bore his name for many years to honor this outstanding Governor of our sovereign state; and



WHEREAS the citizens and the legislature of this state wish to continue honoring Governor Kilby for his outstanding work in prisons and on behalf of the citizens of this state; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the medical and diagnostic center of the state prison system located in Montgomery County is hereby named and designated as the "Kilby Corrections Facility" in honor of former Governor Thomas E. Kilby.

BE IT FURTHER RESOLVED That the officials of the Department of Corrections and Institutions shall take the proper steps to so designate the institution by signs or plaques or otherwise.

On motion of Mr. Powell, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Mims offered the following Senate Joint Resolution, to-wit:

S. J. R. 114. CONGRATULATING MCMILLAN LANE, COMMISSIONER OF AGRICULTURE AND INDUSTRIES, FOR HIS APPOINTMENT AS CHAIRMAN OF THE RURAL DEVELOPMENT COMMITTEE OF THE NATIONAL ASSOCIATION OF STATE DEPARTMENTS OF AGRICULTURE.

WHEREAS, the mass migration of rural people to metropolitan areas was accelerated during World War II, and this movement continued until 1970 when urban people began the movement to suburbs and rural areas; and

WHEREAS, agricultural workers and farm leaders in Alabama have worked on a program to make farm life and rural living more attractive and profitable; and

WHEREAS, these efforts were nationally recognized in 1973 by the United States Secretary of Agriculture, who has designated the State of Alabama as being outstanding in this field of work, and again in 1974 when the Sumter County Rural Development Committee received the Distinguished Service Award; and

WHEREAS, the Honorable McMillan Lane, Commissioner of Agriculture and Industries of Alabama, has been appointed Chairman of the Rural Development Committee of the National Association of State Departments of Agriculture, and in this position, he is seeking further expansion of the Rural Development Act of 1972 for the benefit of rural areas; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we congratulate Commissioner Lane on his appointment as Chairman of the Rural Development Committee of the National Association of State Departments of Agriculture, and commend his efforts in furthering the Rural Development Program.

On motion of Mr. Littleton, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. McMillan offered the following Senate Joint Resolution, to-wit:

S. J. R. 115. COMMENDING THE BIRMINGHAM AREA COUNCIL OF CAMP FIRE, INC.

WHEREAS, The Birmingham Area Council of Camp Fire, Inc., is a multi-program youth-serving agency concerned with the dignity and personal growth of the individual; and

WHEREAS, The Birmingham Council of Camp Fire, chartered in 1964, has continued to grow and expand primarily through the hard work of its director, Mrs. Joan Kent, a permanent staff of five, and many dedicated volunteer workers; and

WHEREAS, The Camp Fire West Summer Youth Program was begun on June 10 and terminated August 22 of this year, in which time it served over 150 young people daily; and

WHEREAS, This program offered the neighborhood children, aged 5 to 14, a choice of activities that included arts and crafts, swimming lessons, sports and games, and field trips, despite lack of funds and adequate building facilities; and

WHEREAS, Other youth programs include a reading program for 5th to 8th grade children with reading difficulties, a "Links Up" program to improve parent-child communication, and free day care for children of single parents; and

WHEREAS, It is impossible to determine how many potential juvenile delinquents have been guided into more productive, abundant lives through the influence of this character-building organization; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That the Legislature commends the Birmingham Council of Camp Fire, Inc., for its splendid work in combatting many of the problems that affect the youth of today.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to Mrs. Joan Kent, Director.

On motion of Mr. Littleton, the Rules were suspended and the Resolution was adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Kelley:

H. J. R. 325. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Senate Bill 183 be called and referred to as the Mims-Mitchem Bill.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Littleton, the Rules were suspended and the Resolution, H. J. R. 325, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Wyatt:

H. J. R. 329. TO NAME THE MEDICAL AND DIAGNOSTIC CENTER OF THE ALABAMA PRISON SYSTEM THAT IS LOCATED IN MONTGOMERY COUNTY "THE KILBY CORRECTIONS FACILITY."

WHEREAS Governor Thomas E. Kilby made a national reputation for his outstanding work in prison reform in Alabama; and

WHEREAS the former Kilby Prison in Montgomery bore his name for many years to honor this outstanding Governor of our sovereign state; and

WHEREAS the citizens and the legislature of this state wish to continue honoring Governor Kilby for his outstanding work in prisons and on behalf of the citizens of this state; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the medical and diagnostic center of the state prison system located in Montgomery County is hereby named and designated as the "Kilby Corrections Facility" in honor of former Governor Thomas E. Kilby.

BE IT FURTHER RESOLVED That the officials of the Department of Corrections and Institutions shall take the proper steps to so designate the institution by signs or plaques or otherwise.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The Resolution, H. J. R. 329, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Hill and Greer:

H. J. R. 331. RENAMING CERTAIN HIGHWAYS.

WHEREAS, Alabama is one of the most heritage-rich states in the United States of America with a wealth and abundance of assets of architecture, archaeology and history; and

WHEREAS, our nation is moving into the American Bicentennial Celebration commemorating the 200th anniversary of the founding of our nation in 1776; and

WHEREAS, many of Alabama's historic structures, architectural landmarks and archaeological evidences are located on or near U.S. Highways and major State roads; and

WHEREAS, the Alabama Legislature is making every effort to ensure the maximum tourists useage of our traditional U.S. and State Highways, as well as our excellent Interstate thoroughfares; and

WHEREAS, millions of Americans now beginning an accelerated heritage hunt will contribute more to the economy of all Alabama as these visitors take additional time to explore the historic and scenic resources found along, or near our traditional highways; now therefore

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That the following traditional highways be re-named:

1. U.S. Highway 80 (Mississippi line to the Georgia border) BLACK BELT TRAIL

2. U.S. Highway 43 (Mobile line to the Tennessee border) PLANTATION DRIVE

3. U.S. Highway 231 (Tennessee line to the Florida line) HERITAGE HIGHWAY (Portion named Troy State University Highway designation to be retained) (Portion from Eastern Bypass Intersection in Montgomery County to County 29 (Elmore) intersection also to be designated FORT TOULOUSE PARKWAY)

4. U.S. Highway 82 (Eufaula to the Mississippi border) HISTORIC HOME TRAIL

5. U.S. Highway 72 (Tennessee line to Scottsboro) HERNANDO DE SOTO DRIVE

6. U.S. Highway 72 (Scottsboro to Athens) SPACE SCIENCE HIGHWAY

7. U.S. Highway 72 (Athens to the Mississippi border) HELEN KELLER DRIVE

8. U.S. Highway 11 (From Eutaw to Tuscaloosa) HISTORIC TUSCALOOSA HIGHWAY

9. U.S. Highway 11 (From Eutaw to Mississippi line) LIVINGSTON UNIVERSITY HIGHWAY

10. U.S. Highway 11 (From Tuscaloosa to Birmingham) TANNEHILL TRAIL

11. U.S. Highway 78 (From Birmingham to Mississippi line) JOHN H. BANKHEAD HIGHWAY

12. U.S. Highway 29 (From Florida line to Tuskegee) PIONEER HERITAGE TRAIL

13. U.S. Highway 331 (From North Covington County Line to Florida line) LAKE ANDREW JACKSON HIGHWAY

14. U.S. Highway 31 (Tennessee line to the Mobile border) GEORGE C. WALLACE HIGHWAY

15. U.S. Highway 431 (Dothan to the Tennessee border)  
BICENTENNIAL BOULEVARD

16. U.S. Highway 84 (Evergreen to the Dothan border)  
WIREGRASS TRAIL: (Interstate 65 to Mississippi line) FRONTIER  
ROAD

17. U.S. Highway 98 (Baldwin County) HISTORIC BALDWIN  
HIGHWAY

18. U.S. Highway 98 (Mobile County) FORT CONDE HIGHWAY

19. U.S. Highway 90 (Baldwin County) BLAKELEY-FORT ROAD

20. U.S. Highway 90 (Mobile County, west of the city of Mobile)  
BATTLESHIP ALABAMA HIGHWAY

BE IT FURTHER RESOLVED That the Highway Department mark  
said highways with appropriate signs.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 331, set out in the foregoing Message from  
the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint  
Resolution and sends same herewith to the Senate for its consideration:

By Mr. Hall:

H. J. R. 330. DESIGNATING THE RED MOUNTAIN  
EXPRESSWAY AS THE ELTON B. STEPHENS-RED MOUNTAIN  
EXPRESSWAY.

WHEREAS, the Legislature recently passed a resolution designating  
the Red Mountain Expressway the Elton B. Stephens Expressway; and

WHEREAS The legislature inadvertently left out a reference to the  
geological area that this expressway traverses; and

WHEREAS, They wish to actually designate said expressway the  
Elton B. Stephens-Red Mountain Expressway; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,  
BOTH HOUSES THEREOF CONCURRING, That they do designate the  
expressway in Jefferson County presently known as Red Mountain  
Expressway as the Elton B. Stephens-Red Mountain Expressway.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 330, set out in the foregoing Message from  
the House, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Gafford, Robertson, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt.

**H. J. R. 328. MOURNING THE DEATH OF FORMER REPRESENTATIVE JOHN L. CULVER.**

WHEREAS The Alabama Legislature has noted with a sense of profound regret the death of our former beloved colleague, Representative John L. Culver of Tuscaloosa County; and

WHEREAS during his terms of service in the House from 1967 through 1973 he worked with diligence and unswerving loyalty to the needs of the people of his community and state; and

WHEREAS Representative Culver served on the House Committees for Business and Labor, and Agriculture, and was Chairman of the Joint Senate and House Committee on Produce and Marketing, and was particularly instrumental in securing important highway developments in Tuscaloosa County; and

WHEREAS his colleagues honored him for his endeavors by designating a Tuscaloosa County road as "Culver Road"; and

WHEREAS Rep. John L. Culver was a graduate of Bessemer High School, and attended the University of Alabama, and he was a navy veteran of World War II; and was a member of the Tuscaloosa County Cattleman's Association, State Building Commission, and Methodist Church; and

WHEREAS Rep. Culver contributed immeasurably to the enrichment of the social, cultural and economic level of his community and most notably those included helping establish and install the first mechanized accounting procedures for certain county institutions; and

WHEREAS Rep. John L. Culver exhibited his acumen in the areas of business, finances, and agriculture; now therefore

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING** That we mourn the passing of our colleague and friend, Representative John L. Culver, and express

our deep and sincere sympathy to his daughter, Janice Marchant of Prattville, Alabama, and his son, Larry Culver of Birmingham, Alabama, and his family to whom copies of this resolution shall be sent.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Shelby, the Rules were suspended and the Resolution, H. J. R. 328, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

I have been directed by the House to request the Senate to return to the House for further consideration House bill:

H. 169. Regulating further the licensing of motor vehicles, to provide for the issuance of semi-permanent license plates with a tab or other device indicating the payment of the license tax for the current year.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The foregoing Message from the House relative to H. B. 169 was read and referred to the Standing Committee on Rules.

### UNFINISHED BUSINESS

### BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

H. 899. Relating to the regulated loan business; providing for regulation, examination, investigation, and licensing of individuals, firms, and corporations engaged in the business of making regulated loans and for the suspension and revocation of licenses issued hereunder for specified reasons; prescribing maximum rates of interest and other charges for loans; providing for the administration and enforcement of the Act, prescribing penalties, providing for the proper repeal of existing laws, including Section 18 (f) of Act No. 2052, S. B. 122 of the Regular Session of 1971, approved October 1, 1971, relating to loans over \$300.00 and Act No. 374, H. B. 102 of the Regular Session of 1959, approved November 6, 1959, relating to the small loan business and Act No. 159, H. B. 233, approved June 23, 1945 (General Acts of Alabama, 1945, page 200), relating to the small loan business and providing for regulation of the same.

and pending Stewart substitute, which said substitute is set out at length in the Journal of the Senate for the Twenty-seventh Legislative Day.

Mr. Stewart then offered the following amendment to the substitute for the Bill, H. B. 899, to-wit:

SENATE AMENDMENT TO THE SUBSTITUTE  
HOUSE BILL 899

Amend House Bill 899 by deleting paragraph (d) (2) which begins on page 4, line 32 and ends on line 21, page 5.

BILLS RE-REFERRED

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the Bills, H. B.'s 256, 425 and 1440, and ordered same returned to the Senate with the recommendation that said Bills be re-referred to the Standing Committee on Finance and Taxation.

And the President and Presiding Officer of the Senate ordered said Bills, H. B.'s 256, 425 and 1440, re-referred to the Standing Committee on Finance and Taxation.

FURTHER CONSIDERATION OF H. B. 899

The Senate proceeded to further consideration of the Bill, H. B. 899. The question was on the amendment offered by Mr. Stewart to the substitute for the Bill.

On motion of Mr. Adams, said amendment was laid on the table.

Mr. Stewart then offered the following amendment to the substitute for the Bill, H. B. 899, to-wit:

AMENDMENT TO H. B. 899

Amend Stewart Substitute for House Bill No. 899 Page 15 Line 18, by striking out (5%) five per cent after the word exceeding and inserting in lieu thereof three per cent (3%)

On motion of Mr. Stewart, further consideration of the Bill, H. B. 899, and pending amendment and substitute, was postponed temporarily.

UNANIMOUS CONSENT GRANTED

Mr. Jones, Chairman of the Standing Committee on State Government, requested and received unanimous consent to remove the fiscal note from the Bill, H. B. 396, and said fiscal note was removed.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount and continuing order of business for today, (pursuant to the motion by Mr. Fine on the Twenty-eighth Legislative Day), the first of which was the Bill:

S. 441. To establish the Alabama Firefighters Personnel Standards and Education Commission; to provide for the appointment, tenure, qualifications, and payment of the members of the Commission; to provide for the employees and officers of the Commission; to regulate the meetings, quorum, and seal of the Commission; to prescribe the duties and functions of the Commission; to grant to the Commission the power to make rules, regulations, and standards, and for the publication of same; to provide penalties for the violation of this Act or the regulations of the



Commission; to establish the Alabama Firefighters Personnel Standards and Education Fund and to provide for the Fund to accept grants, gifts, and other payments; to provide for cooperative agreements between firefighting agencies; to make biennial appropriations for the Fund for fiscal years 1975-76 and 1976-77; to provide for the severability of the parts of the Act; and to provide for the effective date of the Act.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, S. B. 441, to-wit:

#### AMENDMENT TO S. B. 441

Amend Senate Bill 441, page 3, lines 20 and 21, by placing a period after the word "duties" and deleting the words "but reimbursement for expenses shall not exceed \$30 per day for each member."

Further amend by deleting Section 13 in its entirety and renumbering subsequent sections accordingly.

Which was adopted.

Yeas 26; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Givhan, Jones, Little, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Pearson, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Wilson.

—26

*Nays:*

—0

The Standing Committee on Finance and Taxation then reported the following amendment to the Bill, S. B. 441, as amended, to-wit:

#### COMMITTEE AMENDMENT TO S. B. 441, AS AMENDED

Amend S. B. 441 by striking out Section 5 in its entirety and renumber the subsequent Sections accordingly.

Which was adopted.

Yeas 26; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Pearson, Perloff, Powell, Shelby, Stewart, Waldrop.

—26

*Nays:*

—0

And said Bill, S. B. 441, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 29; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—29

*Nays:*

—0

### RESOLUTION

Messrs. Littleton and Stewart offered the following Senate Resolution, to-wit:

SENATE RESOLUTION NO. 120. Inviting the Alabama Institute for Deaf and Blind to present a musical program to the Alabama Senate.

#### BE IT RESOLVED BY THE ALABAMA SENATE:

That the Alabama Institute for Deaf and Blind is hereby invited to present a musical program to the Alabama Senate, with the date and circumstance to be arranged by the President of the Senate.

On motion of Mr. Littleton, the Rules were suspended and the Resolution was adopted by the Senate.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 169. To provide protection to policyholders and beneficiaries of insolvent insurers in receivership by establishing a priority of certain claims to be allowed by receivership courts so as to make policyholders and beneficiaries of such insurers preferred creditors; and to make further provision for protection of policyholders by authorizing receivers of such insurers to transfer to solvent insurers certain assets of receivership estates as consideration or as reserves for reinsurance of policies of insolvent insurers upon hearing and approval of the appropriate circuit court having jurisdiction of such case or cases; and to provide for priorities for claims among classes of policyholders and beneficiaries; and to relieve the receiver of any civil liability to creditors for acts performed pursuant to such court orders.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Flippo, Foshee, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Roberts, Torbert, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

S. 171. To amend Section 54 of Act No. 407, Acts of Alabama 1971,

codified into Section 54, Title 28A, Code of Alabama 1940 (recompiled 1958) by raising the capital requirements of insurance companies.

was taken up.

The Standing Committee on Insurance reported the following amendment to the Bill, S. B. 171, to-wit:

COMMITTEE AMENDMENT TO S. B. 171

Amend S. 171 by deleting the phrase "Section 2" where it appears on line 42 on page 1.

Further amend S. 171 by deleting the number "3" as it appears on line 13 of page 3 and substituting in its stead the number "2"; by deleting the number "4" where it appears on line 19 of page 3 and substituting the number "3"; by deleting the number "5" as it appears on line 27 of page 3 and substituting the number "4".

Which was adopted.

Yeas 24; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Givhan, King, Little, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Roberts, Shelby, Vacca, Wilson.

—24

*Nays:*

—0

And said Bill, S. B. 171, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Shelby, Stewart, Torbert, Vacca.

—26

*Nays:*

—0

The Bill:

S. 992. To exempt from the sales tax levied by Act 100, Second Special Session, Legislature of Alabama 1959, sales of sod by a farmer.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 3.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Givhan,

Jones, King, Little, Littleton, McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Powell, St. John, Torbert, Vacca.

—22

*Nays:* Messrs. Baker, Flipppo, Stewart.

—3

*The Bill:*

S. 382. To authorize the establishment of a security medical facility under the jurisdiction of the Alabama Mental Health Board; to establish sources and procedures for admission to said facility; and to provide for the charges for the cost of treatment.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Givhan, Jones, King, Little, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Shelby, Stewart, Vacca.

—23

*Nays:*

—0

## RESOLUTIONS

Messrs. Torbert and Bank offered the following Senate Resolution, to-wit:

S. R. 121. COMMENDING THE ALABAMA ALCOHOLIC BEVERAGE CONTROL BOARD AND JOHN M. HARBERT, III FOR THEIR EFFORTS IN PREPARING THE PROPOSED REVISION TO THE ALCOHOLIC BEVERAGE CONTROL LAWS.

WHEREAS the Alabama Alcoholic Beverage Control Board has worked diligently in the past months in bringing forth the proposed revision to the Alabama ABC laws; and

WHEREAS John M. Harbert, III has worked with particular effort and patience in the preparation of the proposed revisions; and

WHEREAS these enlightened proposals have been overwhelmingly accepted by a majority of the state's citizens; now therefore

BE IT RESOLVED BY THE ALABAMA SENATE, That we heartily commend the efforts of the Alcoholic Beverage Control Board of Alabama and particularly those efforts of John M. Harbert, III in the preparation of the proposed revision of the Alabama ABC laws.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to the Alabama Beverage Control Board and to John M. Harbert, III.

On motion of Mr. Torbert, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Edwards and Ellis offered the following Senate Joint Resolution, to-wit:

**S. J. R. 122. VEHEMENTLY OPPOSING THE BILL IN THE UNITED STATES CONGRESS WHICH OBLITERATES THE INALIENABLE RIGHT OF INDIVIDUALS TO SELF PROTECTION IN THEIR HOMES.**

WHEREAS, the United States Congress is considering a proposal in the Federal Criminal Justice Reform Act which would make criminal a citizen defending his family or himself from the risk of death or serious bodily injury, or protecting his home from damage and his property from plunder; and

WHEREAS, this myopic bill would require a law abiding citizen to be reasonably certain that he or his family were in grave danger before using deadly force against a night-time prowler or burglar in his own home, and would further impose on the citizen the obligation to retreat in his own home; and

WHEREAS, the premises set forth in this bill are symptomatic of the development of a wide-spread and deep-seated attitude being fostered today that the criminal is to be unobstructed, coddled, and pampered in trampling the individual's rights at the expense of the victims of murder, rape, kidnap and like heinous acts; and

WHEREAS, this bill represents only the tip of the iceberg in a further erosion of our cherished right to survival, and that such proposed legislation is so incomprehensible as to defy rationality; now therefore

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the people of Alabama do reaffirm most fervently their belief in the common law doctrine, honored down through the centuries, that "a man's home is his castle" and that in defense of his family, self, or property he may use any force necessary to repeal, eject or kill a night-time burglar or criminal without retreating or being forced to make an instantaneous evaluation of the safety of his family or himself; and that the people of this great state are God-fearing, law abiding citizens who hold inviolate their trust in the principles proclaimed in the Constitution of the United States and the Constitution of Alabama, which include the right of self protection and to the enjoyment of home and property in peace, tranquility, privacy and with freedom from fear; and that this body and the God-fearing citizens of Alabama do most vehemently denounce and condemn the premises in the bill now pending before the United States Congress which would obliterate these sacred rights upon which this nation was founded.

**BE IT FURTHER RESOLVED,** That this legislature most strongly urges the United States Congressional delegation from Alabama to use all means at their disposal to defeat this provision of the Federal Criminal Justice Reform Act and to enlist the aid of all their colleagues; and we implore all state legislators to join us in vehemently opposing this noxious provision.

**RESOLVED FURTHER,** That copies of this resolution be mailed to the President of the United States, the Alabama Congressional delegation, and to the 48 Clerks of Legislative Councils.

Which was read and referred to the Standing Committee on Rules.

## BILLS ON THIRD READING RESUMED

## The Bill:

S. 698. Relating to Mental Health, entering the Interstate Compact on Mental Health, providing for proper and expeditious treatment of the mentally ill and mentally deficient by cooperative action with other party states, without regard to the residence or citizenship of the patient.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

## Yeas:

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Powell, Shelby, Stewart, Vacca.

—25

## Nays:

—0

## CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Givhan, further consideration of the Bill, S. B. 748, was indefinitely postponed by the Senate.

## MESSAGE FROM THE HOUSE

## Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 214. To amend Act No. 192, H. 526, 1971 Regular Session (Acts 1971, p. 487), entitled "An Act Relating to Calhoun County; providing for meetings of and clerical assistance to the board of registrars of Calhoun County," relative to the salary of the executive secretary to the board, to make the provisions of this amendatory act retroactive.

## Also:

H. 238. To repeal Act No. 31, S. 104, approved September 23, 1965, Second Special Session 1965 (Acts of Alabama 1965, p. 47) entitled, "An Act Relating to counties having a population of not less than 27,000 nor more than 30,000 according to the most recent federal decennial census; to provide for a solicitor's fund therein when the solicitor resides in such county from the solicitor's fees taxed and collected as costs and providing for the expenditure and use thereof."

## Also:

H. 280. To provide further for the compensations and expense allowances of certain officers of Limestone County.

## Also:

H. 835. To allow the county commissioners of all counties having populations of not less than 24,900 nor more than 25,150 inhabitants according to the most recent federal decennial census, to hire cooks and

maids for the county jail to be paid out of the general funds of the county; and to make the provisions of this act retroactive.

Also:

H. 310. To amend Section 2 of Act No. 25, H. 50, Second Special Session 1975, approved March 10, 1975, entitled "An Act Relating to all counties having a population of not less than 24,900 nor more than 25,150 according to the most recent federal decennial census; providing an expense allowance for the Judge of the Inferior Court of that county and providing an expense allowance for the County Solicitor of that county," so as to correct a technical omission in said Section 2 and to give the provisions of this amendatory act retroactive effect to March 10, 1975.

Also:

H. 757. To alter rearrange and extend the boundary lines and corporate limits of the Town of Goshen, in the County of Pike and State of Alabama; providing for the exemption from ad valorem taxation of farm lands annexed by this Act; and prescribing the time when this Act shall become effective.

Also:

H. 972. To amend Section 1 of Act No. 451, S. 659, Regular Session of the Legislature of 1973, which act relates to the office of supernumerary county commissioners in all counties with a population of not less than 24,900 nor more than 25,150 according to the most recent federal decennial census, so as to further prescribe the qualifications for said position in such counties.

Also:

H. 1400. To authorize all municipalities in counties having populations of not less than 24,900 nor greater than 25,150 according to the most recent federal decennial census; to construct and maintain, wholly within its corporate limits, offices for persons engaged in the diagnosis, treatment and cure of sick and injured persons, buildings to house or service equipment used for the diagnosis or treatment of sick or injured persons or the records of such diagnosis or treatment or research with respect thereto, and appurtenant facilities (and to acquire sites therefor); to authorize any such municipality to borrow money and to issue interest-bearing bonds, warrants and notes for the purpose of financing the construction of any such offices, buildings and facilities, and the acquisition of such sites; to provide that such bonds, warrants or notes may be general obligations of the issuing municipality or may be limited as to their source of payment and to authorize special pledges therefor; to authorize any such municipality to lease to one or more physicians all or any part of such offices, buildings and facilities; to prescribe certain conditions precedent that must be complied with before a municipality may construct or finance any such offices, buildings and facilities; to prohibit a municipality from leasing or renting any such offices, buildings or facilities unless the lease or rental arrangement obligates the lessee or tenants to pay rental aggregating not less than the fair rental value thereof; and to provide that the failure of any such municipality to comply with the provisions of this act relating to the leasing or renting of such offices, buildings or facilities shall not affect the validity or legality of any securities issued for the purpose of constructing such offices, buildings and facilities.

Also:

H. 1040. To provide for and create the Greene County Racing Commission, for the regulating, licensing and supervision of Greyhound racing and wagering thereon; to prescribe the composition, appointment, powers, and duties of the commission; to provide for and regulate the parimutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the act; and to provide certain penalties for the violation of this act and for other purposes relative thereto, and to provide for a referendum of the voters of the county on the question of whether the act will become effective in the county.

Also:

H. 619. To further amend Section 1 of Act No. 81, H. 76, 1967 Special Session (Acts of 1967, p. 114, now appearing in Code of Alabama, Recompiled 1958, as Title 13, Section 125 (79a) ) so as to provide that the secretary of the district attorney for the nineteenth judicial circuit of Alabama shall be paid the same salary as that of the top step position for a clerk stenographer three in state service.

Also:

H. 693. Authorizing the county commission of Sumter County to pay the sheriff of Sumter County a monthly expense allowance of two hundred fifty dollars (\$250.00).

Also:

H. 487. To amend Sections 2, and 6 of Act No. 1703, H. 2502 of the 1971 Regular Session (Acts 1971, p. 2862), entitled, "An act to establish a Sumter County court of record for Sumter County, Alabama, to define its jurisdiction and powers; to provide for its officers, their powers and duties and compensation; to provide that said court shall be open at all times for the trial of cases and transaction of business; to provide the rules and procedure for said court; to provide a fine and forfeiture fund for said court; and to abolish the county court of Sumter County, Alabama," so as to provide an expense allowance for the judge of said court, and to increase the jurisdictional amount of said court.

Also:

H. 1363. Relating to Counties having populations of not less than 27,000 nor more than 27,500 providing further for the distribution of fines and forfeitures from convictions in certain cases of traffic violations in such counties.

Also:

H. 1330. Relating to Morgan County; to provide that the Sheriff shall be entitled to the allowances payable by the state for feeding prisoners; to provide that the provisions of this Act shall be retroactive to October 1, 1974.

Also:

H. 1329. Providing for a county board of equalization and adjustment for Morgan County; providing for abolishing the existing



County Board of Equalization and transferring its duties to the County Board of Equalization and Adjustment; further regulating the appointment and removal of the members of the board, the terms of service, the compensation, the expense allowance of the members of the board; making further provision in regard to office space, office furniture and supplies of the board, and providing for the employment of clerks and other employees of the board; providing for the operation of the board; and adopting certain provisions of the statutes applicable to county boards of equalization; and providing for the severability of the provisions of the act and for its effective date.

Also:

H. 945. Relating to Elmore County; to provide for an expense allowance for certain county officers and employees.

Also:

H. 515. To increase the expense account for the district attorney and the court reporter of the First Judicial Circuit by \$225 a month.

Also:

H. 946. To amend further Section 1 of Act No. 47, H. 100 of the 1962 Special Session, as amended, an Act fixing the compensation of certain officers of Elmore County so as to increase the compensation of certain of the officers whose compensation has heretofore been fixed by such Act and to fix the compensation of other officers of such county.

Also:

H. 969. Relating to counties having populations of not less than 39,500 nor more than 41,750 according to the most recent Federal Decennial Census, providing for the County Commission to borrow not more than \$300,000.00 for a period not to exceed 18 months to pay for renovation of the County Courthouse within such counties.

Also:

H. 48. Relating to Jefferson County; to provide that the Jefferson County school system shall remit to the Midfield school system an appropriate amount of local school tax revenues so as to defray the additional financial burden placed upon the Midfield school system by the transfer of certain students pursuant to federal court school desegregation orders; to prescribe the formula and payment procedure for such remittance; to prescribe penalty for delinquent accounts; to provide for retroactive effect to October 1, 1974 and to repeal all conflicting statutes.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

## BILLS ON THIRD READING RESUMED

The Bill:

H. 828. Relating to the eradication and control of swine diseases: to make an appropriation to the department of agriculture and industries for the fiscal year ending September 30, 1976, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of cholera, African swine fever and other swine diseases.

was taken up.

Mr. Flippo offered the following substitute for the Bill, H. B. 828, to-wit:

## SUBSTITUTE FOR H. B. 828

A BILL  
TO BE ENTITLED  
AN ACT

Relating to the eradication and control of swine diseases: to make an appropriation to the department of agriculture and industries for the fiscal year ending September 30, 1976 to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of cholera, African swine fever and other swine diseases.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 1976, there is hereby appropriated to the department of agriculture and industries out of any monies in the state treasury not otherwise appropriated the sum of One Hundred Thousand Dollars (\$100,000), or so much thereof as may be necessary, during the said fiscal year, which said sum shall be used and expended by said department for the purpose of paying and indemnifying the owners of swine for the value of any swine ordered and directed to be condemned and destroyed by the commissioner of agriculture and industries or the state veterinarian for the purpose of arresting, eradicating and preventing the spread of hog cholera disease, African swine fever and other diseases of swine. The amount of any payments to owners of swine from the appropriation herein made shall be determined pursuant to the procedure and method set forth under Sections 17-26 of Act No. 694, Legislature of 1947, approved October 9, 1947, (Sections 383 (17)-(26) of Title 2, Code of Alabama, Recompiled, 1958.)

Section 2. The appropriation herein made shall be conditioned upon the condition of the general fund and with the approval of the Governor.

Section 3. This Act shall become effective on October 1, 1975.

Section 4. Any funds appropriated by this act not expended by Sept. 30, 1976, shall revert to the general fund.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo,

Givhan, Jones, King, Little, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Powell, St. John, Shelby, Stewart, Torbert, Vacca.

—24

*Nays:*

—0

And said Bill, H. B. 828, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 27; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—27

*Nays:*

—0

The Bill:

H. 412. To further amend Sections 1, 2, 4, 6 and 8 of Act No. 46, H. 36, Legislature of 1955, 2nd Spec. Session, approved April 6, 1955 (Acts of 1955, p. 152), an Act to regulate the sale of eggs by requiring inspection, grading and accurate labeling of eggs, said Act being amended by Act No. 531, S. 336, Legislature of 1955, Regular Session, approved September 9, 1955 (Acts of 1955, p. 1179) and by Act No. 194, H. 39, Legislature of 1961, Spec. Session, approved September 15, 1961 (Acts of 1961, p. 2167); amend said Sections 1, 2, 4, 6 and 8 of said Act No. 46, as amended, said amendments relating to definition of terms in said Act, labeling information on containers in which eggs are sold or offered for sale; inspection fee payments levied upon the sale of eggs and to abolish such levy; and further relating to the permit required of retail and wholesale egg dealers; and exemptions from the requirements of said Act.

Was read a third time at length and passed.

Yeas 28; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (S), McMillan, Mims, Mitchell, Noonan, Pearson, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—28

*Nays:*

—0

The Bill:

S. 525. To amend Section 8 of Act No. 1277, H. 1345, 1973 Regular Session (Acts of 1973, p. 2181), entitled "An Act To authorize Alabama Public School and College Authority to sell and issue one hundred seventy-nine million, nine hundred twenty-one thousand dollars (\$179,921,000) aggregate principal amount of additional bonds for capital improvements for public educational purposes, including libraries, laboratories and

facilities for athletics, recreation and physical education, and research facilities, including the acquisition of land, including colleges and universities, vocational-technical institutes, junior colleges, elementary-secondary school systems and special schools; to provide for the details of the said bonds and for the public sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the said principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the moneys so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the state; to provide that the bonds and the income therefrom shall be exempt from taxation in this state and the bonds may be used to secure deposits of funds of this state and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal of any then outstanding bonds theretofore issued by either the Authority of Alabama Education Authority or both, and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds that proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for purposes for which they are authorized to be issued; and to provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof," so as to provide further for the use and distribution of the bond proceeds.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Flippo, Foshee, Givhan, Jones, King, Little, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, St. John, Stewart, Torbert, Vacca.

—25

Nays:

—0

The Bill:

S. 440. Relating to elections and voting in them; providing for the use of electronic voting systems in elections; providing the requirements for these systems; providing that procedures to be used in connection with elections in which these systems are used, including additional procedures for dividing precincts and designating voting places therein; providing election officers for such polling places and prescribing duties and compensation of such election officials.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 2.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, St. John, Shelby, Stewart, Vacca.

—22

*Nays:* Messrs. Edwards, Powell.

—2

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 746. To provide for the rehabilitation of persons convicted of crime and sentenced to a term of confinement or detention and treatment in the county jail or other correctional facility of any county of this State having a population of 500,000 or more, according to the last or any subsequent Federal Census, and to provide that a jail or other correctional facility operated by such county in cooperation with another county or other counties shall be a correctional facility of such county within the meaning of this Act.

Also:

H. 845. To provide for the appointment, duties and compensation of the First Assistant Deputy District Attorney, Second Assistant Deputy District Attorney, Third Assistant Deputy District Attorney and Fourth Assistant Deputy District Attorney in counties having a population of six hundred thousand or more, according to the last or any succeeding decennial federal census where the Deputy District Attorney is elected by the people.

Also:

H. 970. To authorize the City of Vestavia Hills, Alabama to pay Roland L. Paulin for certain expenses as a result of an injury to his son, Mark Paulin.

Also:

H. 1009. To apply to every County of this State having a population of 600,000 or more according to the last or any subsequent Federal Census; to provide that the officers and employees of any public corporation created by such County to operate a hospital shall be members of any pension system established for the officers and employees of the County, subject to the exceptions, terms and conditions stated in the Act.

Also:

H. 1110. Relating to Jefferson County; to prescribe the compensation of the Assistant Sheriff for the Bessemer Division of said county and to repeal all conflicting statutes.

Also:

H. 1010. To provide that in each county of this State having a population of 500,000 or more, according to the last or any subsequent

federal census, it shall be the duty of the governing body of the county to adopt whatever regulations the governing body deems appropriate requiring motor vehicles owned or controlled by the county, excluding those in the Sheriff's Department owned or controlled by the county, to be so painted and otherwise marked as to be easily identifiable as county vehicles; to authorize the governing body to prescribe different colors and signs for county motor vehicles used in the Sheriff's Department and county vehicles used in other county departments; to require that the regulations the county governing body adopts hereunder shall be contained in a resolution adopted by the governing body; and to provide that a violation of any of the provisions of any regulation adopted under this Act shall constitute a misdemeanor, and shall be punishable as provided for in Section 327, Title 15, Code of Alabama of 1940.

Also:

H. 1192. To apply in every county of the State having a population of 600,000 or more according to the last or any subsequent Federal Census; to define a city school district as any school district in the County the boundaries of which district are coterminous with the boundaries of a municipality; to provide that the County shall pay all expenses of any election on the levy of a proposed city school district tax; to provide that the municipality, or the City Board of Education, receiving such tax, or which would have received such tax if the levy had been approved at the election, shall reimburse the County for all such expenses paid by the County; and to provide that the Act shall apply so as to require such reimbursement with respect to any election which has been held, or shall have been held, subsequent to the first day of January in that year wherein such County becomes subject to this Act.

Also:

H. 1397. To provide further for the compensation of certain election officers and workers in counties which have a population in excess of 500,000, according to the most recent federal decennial census, and to repeal all conflicting statutes.

Also:

H. 1462. Fixing supplemental salaries for each District Court Judge in Jefferson County, Alabama.

Also:

H. 1178. To fix the compensation of the mayor of any municipality in Jefferson County who is employed fulltime by a municipality, municipal board or municipal public corporation to serve as superintendent of one or more of certain utility systems owned and operated by such municipality, municipal board or municipal public corporation pursuant to the provisions of Title 37, Section 440, Alabama Code 1940, as amended.

Also:

H. 935. To amend further the title and Section 1 of Act No. 853, H. 1152, Regular Session 1961 (Acts 1961, p. 1292), as amended, which requires the commissioner and state department of revenue to collect sales taxes for the town of Camp Hill, Tallapoosa County.

Also:

H. 838. To further amend Act No. 103, H. 372, Regular Session 1963 (Acts 1963, V. 1, p. 486) an Act fixing the compensation of the Walker County Superintendent of education.

Also:

H. 957. Relating to counties having a population of not less than 14,000 nor more than 15,000 inhabitants according to the most recent federal decennial census; to provide an increased clerk hire allowance for certain county officials.

Also:

H. 870. Providing for the method of acknowledging full or partial satisfaction of any recorded mortgage or other lien in the records of the office of the Judge of Probate of Shelby County.

Also:

H. 871. To authorize the county governing body of Shelby County to appropriate funds for lunches and an allowance of not more than \$1.00 per week per prisoner sentenced to and performing hard labor in Shelby County, as a weekly allowance for such prisoners and to purchase lunches for those prisoners who are at hard labor away from the county jail.

Also:

H. 872. To require the installation and maintenance of an improved system of recording documents affecting the title to property and other documents and recorded in the office of the Judge of Probate of Shelby County; to provide that said system shall constitute official and permanent records in Shelby County; to provide for a special index fee of \$1.00 in addition to all existing recording fees and charges, for each such document hereafter filed for record in Shelby County.

Also:

H. 873. To authorize the county governing body of Shelby County to adopt a resolution and thereby authorize all polling places to remain open between the hours of 8:00 a.m. and 7:00 p.m. at all state and local elections held within such counties.

Also:

H. 874. To prohibit the Probate Judge or any other official or any employee of Shelby County from selling, lending, giving, or otherwise disposing of a computer printout of the list of registered voters of Shelby County.

Also:

H. 6. To authorize any county in Alabama having a population of 600,000 or more according to the most recent federal decennial census and any incorporated municipality situated therein to cooperate with other governmental subdivisions, public agencies, public corporations and authorities in the construction of new residential water mains and pipes of an approved public water supply system and the extension of presently existing approved public water supply system mains and pipes to all areas of such county not presently served by an approved public water supply

system; to authorize the costs of construction and installation of said mains and pipes, together with the costs of any improvements made thereon, or any portion of said costs, to be assessed against the property abutting on the streets, avenues, alleys, highways, or other public places so improved or served by said mains or pipes to the extent of the increase in value of such property by reason of the special benefits derived from such mains or pipes and from their construction, extension or improvement by the county or incorporated municipality; and, as other means of financing such construction, extension or improvement, to authorize the issuance of revenue bonds and the payment of monies out of general and special funds of such county or municipality and out of funds received from the State of Alabama and from the United States Government; and to provide low cost loans to affected property owners.

Also:

H. 505. Relating to all cities having populations of 300,000 or more inhabitants, according to the most recent federal decennial census, to prohibit the establishment of any private vocational, industrial, technical, or trade school within one hundred fifty feet of the boundaries upon which single-family or multiple-family residences are located, unless all such property owners consent; and certain exemptions thereto.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

### CALENDAR BILL POSTPONED

On motion of Mr. Baker, consideration of the Bill, S. B. 223, was postponed until the next Legislative Day.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 142. To exempt from the operation of the privilege or license tax and registration fee now or hereafter to be levied on automobiles owned by active rescue squad members and to define the term "rescue squad members" and to authorize a distinctive automobile license tag for active rescue squad members, to describe and designate the design of such distinctive license tags, to provide for the preparation of such distinctive license tags, to provide for the issuance of such tags, to provide for application of such tags and to designate the proof to be submitted by applicant for such tags and to define the use of such distinctive motor vehicle tags.

was taken up.

Mr. Bank offered the following substitute for the Bill, S. B. 142, to-wit:



## SUBSTITUTE FOR S. B. 142

A BILL  
TO BE ENTITLED  
AN ACT

To exempt from the operation of the privilege or license tax and registration fee now or hereafter to be levied on automobiles owned by active rescue squad members and to define the term "rescue squad members" and to authorize distinctive automobile license tags for active rescue squad members, to describe and designate the design of such distinctive license tags, to provide for the preparation of such distinctive license tags, to provide for the issuance of such tags, to provide for application for such tags and to designate the proof to be submitted by applicant for such tags and to define the use of such distinctive motor vehicle tags.

Be It Enacted by the Legislature of Alabama:

Section 1. There shall be exempt from the operation of the privilege or license tax now or hereafter to be levied on automobiles and motor vehicles by the State of Alabama, one passenger vehicle owned by any active rescue squad member. Each active rescue squad member shall be entitled to such exemption for only one such vehicle. Such exemption shall be claimed upon presentation of proper identification verifying that the applicant is an active rescue squad member. Active rescue squad members may obtain additional distinctive license tags for other passenger vehicles which they own by paying the regular privilege license tax provided by law.

Section 2. There is hereby created a special license tag which may be used by rescue squad members (as rescue squad member is hereinafter defined) upon motor vehicles owned by them. Such tags shall be white in color with black lettering and numerals and shall have stamped thereon (the letters R. S. or the word RESCUE) and the proper number. All replacement tags issued for such vehicles shall be similarly marked or stamped.

Section 3. The distinctive license plates here in provided for shall be prepared by the Commissioner of Revenue and shall be issued through the judge of probate or license commissioner of the several counties of the state in like manner as other motor vehicle license plates or tags and such officers shall be entitled to their regular fees for such service. Applicants for such distinctive plates shall present to the issuing official proof of their membership in the rescue squad. The distinctive license plates or tags so issued shall be used only upon and for personally-owned, private passenger vehicles (to include station wagons and pick-up trucks) registered in the name of the member of the rescue squad, and when so issued to such applicant shall be used upon the vehicle for which issued in lieu of the standard license plates or tags on such personally-owned vehicle.

Section 4. The distinctive license plates issued hereunder shall not be transferable as between motor vehicle owners and in the event the owner of a vehicle bearing such distinctive plates shall sell, trade, exchange or otherwise dispose of same such plates shall be retained by the owner to whom issued and by him returned to the judge of probate or license commissioner of the county who shall receive and account for same in the manner stated below. In the event such owner shall acquire by purchase, trade, exchange or otherwise a vehicle for which no standard plates have been issued during the current license year, the judge of probate or license

commissioner of the county shall, upon being furnished by the owner thereof proper certification of the acquisition of such vehicle, authorize the transfer to said vehicle of the distinctive license plates previously purchased by such owner, which plates shall authorize the operation of said vehicle for the remainder of the then current license year. In the future event the owner of such distinctive plates shall acquire by purchase, trade, exchange or otherwise a vehicle for which standard plates have been issued during the current license year, the judge of probate or license commissioner shall, upon proper certification of such owner and upon delivery to such official of the standard plates previously issued for such vehicle, authorize the owner of such newly-acquired vehicle to place the distinctive plates previously purchased by him upon such vehicle and use same thereon for the remainder of the then current license year. Such notice of transfer of ownership shall be made of record by the judge of probate or the license commissioner.

Provided further, that any person who acquired by purchase, trade or otherwise any vehicle formerly bearing such distinctive plates shall be authorized, upon the certification of such fact to the judge of probate or license commissioner of the county and the payment of the fee now required by law, to purchase standard replacement plates for such vehicle which shall authorize the operation of such vehicle by the new owner for the remainder of the license year.

Section 5. Such distinctive plates or tags shall be prepared and furnished for the licensing year commencing October 1, 1975, and annually thereafter. The Secretary-Treasurer of The Alabama Association of Rescue Squads, Inc. shall furnish the Commissioner of Revenue annually with an estimate of the number of distinctive plates or tags required in each of the several counties of the state.

Section 6. Wherever the term "rescue squad member" appears in this Act, it shall refer to and include only those persons who are active members of any rescue squad operating as such within this state. Wherever the term "Alabama Association of Rescue Squads, Inc." appears in this Act, it shall refer to that certain non-profit eleemosynary Corporation incorporated under the provisions of Title 10, Article 3, Sections 124 et. seq., Code of Alabama 1940.

Section 7. The provisions of this Act are supplementary to the laws of this state pertaining to the licensing of motor vehicles and nothing herein shall be construed as abridging or repealing any such laws.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 23; Nays 3.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Foshee, Givhan, Jones, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—23

*Nays:* Messrs. Edwards, Flippo, King.

—3

Mr. Edwards moved that further consideration of the Bill, as amended, be postponed until the next Legislative Day. On motion of Mr. Foshee, the motion to postpone was laid on the table.

Yeas 21; Nays 6.

*Yeas:*

Messrs. Adams, Bank, Clemon, Ellis, Fine, Foshee, Givhan, Jones, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, St. John, Shelby, Stewart, Vacca.

—21

*Nays:*

Messrs. Baker, Edwards, Flippo, King, Little, Powell.

—6

Mr. Baker moved that further consideration of the Bill, S. B. 142, as amended, be postponed temporarily. On motion of Mr. Foshee, the motion to postpone was laid on the table.

Yeas 19; Nays 7.

*Yeas:*

Messrs. Adams, Bank, Clemon, Ellis, Fine, Foshee, Givhan, Jones, Littleton, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Perry, Powell, St. John.

—19

*Nays:*

Messrs. Baker, Edwards, King, Little, Noonan, Stewart, Torbert.

—7

And said Bill, S. B. 142, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 6.

*Yeas:*

Messrs. Adams, Bank, Clemon, Ellis, Fine, Foshee, Givhan, Jones, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Torbert, Vacca, Waldrop, Wilson.

—23

*Nays:*

Messrs. Baker, Edwards, King, Little, Powell, Stewart.

—6

The Bill:

S. 964. To make further appropriation of State Funds for the fiscal year ending September 30, 1975.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 29; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Shelby, Stewart, Torbert, Vacca, Wilson.

—29

*Nays:*

—0

The Bill:

S. 891. Relating to taxation, to provide an exemption from Advalorem Taxes for personal property held by a licensed public warehouseman for the account of the manufacturer, compounder or processor to be distributed on his orders or for him by the warehouseman.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 29; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Little, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Stewart, Torbert, Vacca, Wilson.

—29

*Nays:*

—0

#### INTERIM COMMITTEE REPORT FILED

The preliminary report of the Joint Interim Committee To Study State Parks, created under the provisions of S. J. R. 39, Third Special Session 1975, and extended under the provisions of S. J. R. 68, was read and ordered filed with the Secretary.

#### BILLS ON THIRD READING RESUMED

The Bill:

H. 358. To authorize the charging of a "convenience fee" in the amount of 25 cents on the sale of any hunting or fishing licenses sold in Morgan County by any special agent who sells hunting or fishing licenses in the City of Decatur under authority granted pursuant to the provisions of Act No. 628, H. 351, p. 1082, Acts of Alabama, 1951 Regular Session of the Alabama Legislature; prescribing penalties for the violation of the provisions of this act.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 704. To provide for eligibility of Supernumerary District Attorneys by amending Section 1 of Act No. 1873, S. 255, 1971 Regular Session, Acts 1971, p. 3053 [(now appearing in Code of Alabama Recompiled 1958, Title 13, Section 260 (11b)], as amended.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 704, to-wit:

#### COMMITTEE SUBSTITUTE FOR S. 704

#### A BILL TO BE ENTITLED AN ACT

To provide for eligibility of Supernumerary District Attorneys by amending Section 1 of Act No. 1873, S. 255, 1971 Regular Session, Acts 1971, p. 3053 [(now appearing in Code of Alabama Recompiled 1958, Title 13, Section 260 (11b)], as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 1 of Act No. 1873, S. 255, 1971 Regular Session of the Legislature of Alabama [(now appearing in Code of Alabama Recompiled 1958, Title 13, Section 260 [11b])], to be amended so to read as follows:

“Section 1. In addition to any other acts providing for eligibility of supernumerary district attorneys, any person now serving or having formerly served as a district attorney of a judicial circuit of Alabama, who has served for not less than eighteen years when he has reached the age of sixty years may elect to become a Supernumerary District Attorney by filing a written declaration to that effect with the Governor, and time served as judge of a court of record, a county court, county solicitor, or any other county wide elected official, a full time deputy or assistant district attorney or as a duly licensed attorney employed full time by the State of Alabama, whether commissioned or appointed or as an elected constitutional officer or other state official shall be counted as time served towards accumulating the above required eighteen years, provided, however, that such district attorney has served not less than ten years as district attorney of a judicial circuit; or any district attorney of a judicial circuit who has served eighteen years as circuit district attorney may elect to become a Supernumerary District Attorney by filing a written declaration to that effect with the Governor and only two and one-half years served as judge of a court of record, a county court, county solicitor, or any other county wide elected official, a full time deputy or assistant district attorney or as a duly licensed attorney employed full time by the

State of Alabama, whether commissioned or appointed or as an elected constitutional officer or other state official may be counted as time served towards accumulating the above required eighteen years.

"Section 2. This Act shall not apply to any person who has previously become a Supernumerary District Attorney prior to the effective date of this Act.

"Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

"Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law."

The Standing Committee on Finance and Taxation then reported the following amendment to the substitute for the Bill, S. B. 704, to-wit:

**COMMITTEE AMENDMENT TO SUBSTITUTE  
FOR S. B. 704**

Amend S. 704 by striking out the words "or any other county wide elected official" on lines 23 and 24 in Section 1 on page 2.

Which was adopted.

Mr. Baker offered the following substitute for the Committee substitute, as amended, for the Bill, S. B. 704, to-wit:

**COMMITTEE SUBSTITUTE FOR S. B. 704**

**A BILL  
TO BE ENTITLED  
AN ACT**

To provide for eligibility of Supernumerary District Attorneys by amending Section 1 of Act No. 1873, S. 255, 1971 Regular Session, Acts 1971, p. 3053 [(now appearing in Code of Alabama Recompiled 1958, Title 13, Section 260 (11b)], as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 1 of Act No. 1873, S. 255, 1971 Regular Session of the Legislature of Alabama [(now appearing in Code of Alabama Recompiled 1958, Title 13, Section 260 (11b)], to be amended to read as follows:

"Section 1. In addition to any other acts providing for eligibility of supernumerary district attorneys, any person now serving or having formerly served as a district attorney of a judicial circuit of Alabama, who has served for not less than eighteen years when he has reached the age of sixty years may elect to become a Supernumerary District Attorney by filing a written declaration to that effect with the Governor, and time served as judge of a court of record, a county court, county solicitor, or any other county wide elected official, a full time deputy or assistant district attorney or as a duly licensed attorney employed full time by the State of Alabama, whether commissioned or appointed or as an elected constitutional officer or other state official shall be counted as time served towards accumulating the above required eighteen years, provided,

however, that such district attorney has served not less than ten years as district attorney of a judicial circuit; or any district attorney of a judicial circuit who has served eighteen years as circuit district attorney may elect to become a Supernumerary District Attorney by filing a written declaration to that effect with the Governor and only two and one-half years served as judge of a court of record, a county court, county solicitor, a full time deputy or assistant district attorney or as a duly licensed attorney employed full time by the State of Alabama, whether commissioned or appointed or as an elected constitutional officer or other state official may be counted as time served towards accumulating the above required eighteen years.

"Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

"Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law."

On motion of Mr. Owen, said substitute was laid on the table.

Yeas 13; Nays 7.

*Yeas:*

Messrs. Adams, Bank, Fine, Foshee, Gilmore, Littleton, Mitchell, Noonan, Owen, St. John, Shelby, Torbert, Wilson.

— 13

*Nays:*

Messrs. Baker, Edwards, Ellis, King, Little, McDonald (S), Stewart.

— 7

Mr. Torbert offered the following amendment to the committee substitute, as amended, for the Bill, S. B. 704, to-wit:

#### AMENDMENT TO COMMITTEE SUBSTITUTE FOR SENATE BILL 704, AS AMENDED

Amend Senate Bill 704 on page 2, line 32, by striking the period after the word Act, and adding in lieu thereof the following:

"or to any person who prior to its effective date has completed the service requirements for supernumerary status."

On motion of Mr. Baker, said amendment was laid on the table.

Yeas 19; Nays 9.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Flipppo, Gilmore, King, Little, McDonald (S), McMillan, Noonan, Pearson, Perloff, Perry, Powell, St. John, Stewart, Vacca, Wilson.

— 19

*Nays:*

Messrs. Adams, Bank, Fine, Foshee, Givhan, Littleton, Mitchell, Owen, Torbert.

—9

Mr. Adams offered the following amendment to the substitute, as amended, for the Bill, S. B. 704, to-wit:

AMENDMENT TO COMMITTEE SUBSTITUTE  
FOR S. B. 704, AS AMENDED

Amend Senate Bill No. 704, Page 2, Line 32, by striking out the period after the word "Act", and adding in lieu thereof: "or to any person who prior to its effective date has completed at least twelve years toward completion of Supernumerary District Attorney."

On motion of Mr. Owen, said amendment was laid on the table.

Mr. Mitchell offered the following amendment to the substitute, as amended, for the Bill, S. B. 704, to-wit:

AMENDMENT TO COMMITTEE SUBSTITUTE  
FOR S. B. 704, AS AMENDED

Amend Senate Bill 704 Page 2 Line 7, by inserting after the word Alabama the following: or the United States

and amend further line 26, page 2 by inserting after the word Alabama the following: or the United States

On motion of Mr. Baker, said amendment was laid on the table.

Yeas 16; Nays 10.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Flippo, Gilmore, King, Little, McDonald (S), McMillan, Noonan, Pearson, Perloff, Shelby, Stewart, Vacca.

—16

*Nays:*

Messrs. Adams, Bank, Fine, Foshee, Givhan, Littleton, Mitchell, Powell, Roberts, St. John.

—10

And said substitute, as thus amended, for the Bill, S. B. 704, was then adopted by the Senate.

Yeas 24; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Ellis, Fine, Foshee, Gilmore, Givhan, King, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Vacca.

—24



*Nays:* —0

And said Bill, S. B. 704, as amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

*Yeas 22; Nays 2.*

*Yeas:*

Messrs. Baker, Bank, Clemon, Fine, Foshee, Gilmore, Givhan, Jones, King, Little, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Shelby, Torbert, Vacca.

—22

*Nays:* Messrs. Edwards, Littleton. —2

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 1028. To change the compensation of the Sheriff of Madison County, Alabama.

Also:

H. 1340. Relating to counties having a population of not less than 53,000 nor more than 55,000; to provide an additional allowance for the clerk hire fund of the office of probate judge in such counties, and making provisions hereof retroactive.

Also:

H. 968. Relating to any county having a population of not less than 39,500 nor more than 41,750, to abolish the fine and forfeiture fund of such county; to provide for the payment of certain fines and forfeitures collected into the general fund of the county; to provide for the payment of certain claims from the general fund of the county in lieu of the fine and forfeiture fund and to provide for the registration of those claims now outstanding and those hereafter accruing.

Also:

H. 983. To amend Section 1 of Act No. 140, Special Session, 1966, Page 170 relating to Shelby County, which authorized the County Governing body to appropriate funds for retirement benefits to certain county employees by increasing the retirement benefits from \$75.00 per month to \$150.00 per month commencing as of January 1, 1975.

Also:

H. 1005. Relating to counties having populations of not less than 34,100 nor more than 34,900 according to the most recent federal decennial census; to regulate further the taking of fish from public streams; authorizing the taking of non-game fish by the use of wire mesh baskets, on which a privilege license tax has been paid; prohibiting the taking of non-game fish from public lakes; prohibiting the sale of fish so taken; prescribing penalties for violation of this act.

Also:

H. 990. Relating to Calhoun County; to provide that the provisions of Act No. 384, H. 946, 1969 Regular Session (Acts of 1969, p. 754) which provides a civil service system for the employees of the sheriff's office of Calhoun County shall apply to certain regular employees of Calhoun County; to enlarge the civil service board, created by said Act No. 384 and provide further for the appointment of members of such board; to repeal Act No. 138, S. 294, 1951 Regular Session (Acts of 1951, p. 363) and other conflicting acts.

Also:

H. 966. To authorize and provide for the establishment of emergency medical services for the sick, infirm and injured in Russell County.

Also:

H. 1014. Relating to Etowah County, to authorize the Etowah County Commission, to impose an additional privilege or excise tax upon the sale, use or consumption of malt or brewed beverages within such counties; providing for the administration of the Act and the collection and distribution of proceeds of the tax.

Also:

H. 1015. To prescribe duties and powers of the stenographic secretaries of the District Attorney of the Sixteenth Judicial Circuit.

Also:

H. 1020. To amend Act No. 1242, H. 1633, 1971 Regular Session (Acts 1971, p. 2144) entitled "An Act Relating to Cullman County; to prescribe the amount of the director's fee which may be paid to members of the board of directors of certain gas districts", so as to increase the amount of the director's fee.

Also:

H. 1045. Relating to Morgan County; to alter, rearrange and extend the boundary lines and corporate limits of the Town of Trinity.

Also:

H. 1099. To apply in all counties having populations of not less than 55,500 nor more than 56,500, according to the most recent Federal decennial census, regulating the compensation of election officers.

Also:

H. 1063. Relating to Houston County; to provide an additional expense allowance for the Coroner.

Also:

H. 1127. To authorize the county commission or other like governing body of Geneva County to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Also:

H. 1128. To alter or rearrange the boundary lines of the Town of Gulf Shores, Baldwin County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Baldwin County, Alabama.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 1339. Relating to counties having a population of not less than 53,000 nor more than 55,000; to validate and confirm any contributions of county funds to the use of any non-profit volunteer rescue squad within the county between October 1, 1973 and October 31, 1974.

Also:

H. 1324. Relating to Tallapoosa County; to provide for branch banking under certain conditions.

Also:

H. 440. To authorize the county commission of Marshall County to provide for the relief of Bobby Joe King for the payment of medical expenses due to bodily injuries incurred in the line of duty while a Deputy Sheriff in the Marshall County Sheriff's Department.

Also:

H. 654. Further relating to commercial fishing in public waters in all counties having populations of not less than 115,000 nor more than 150,000; to authorize and provide for a commercial fisherman's helper for certain such fishermen; to provide for the issuance of permits for such helpers; to prescribe the fees for such permits; to provide for their collection and distribution; and to prescribe penalties for violations of this act.

Also:

H. 231. Relating to expense allowances of county officials in Tuscaloosa County.

Also:

H. 232. Relating to Tuscaloosa County; to amend further Act No. 56, H. 285, Regular Session 1953 (Acts of 1953, p. 76) an act levying additional privilege or license taxes in Tuscaloosa County, so as to exempt tangible personal property purchased outside said county from the use tax levy.

Also:

H. 241. Relating to expense allowances of county officials in Tuscaloosa County.

Also:

H. 1585. Relating to all counties having populations of not less than 36,500 nor greater than 39,200 according to the most recent federal decennial census; to authorize branch banks in any such city or town located wholly or partly in such county having not less than 1,200 inhabitants according to the last or any subsequent federal decennial census, provided such bank shall have been in existence, operation or under construction in any such county prior to January 1, 1975; to deem authorized any such branch banks at the time established; and to ratify and confirm any action taken by such branch banks prior to passage of this bill.

Also:

H. 1051. Relating to Lauderdale County; providing for a monthly expense allowance for County Commissioners of Lauderdale County.

Also:

H. 1050. Relating to Lauderdale County; providing an expense allowance for the County Coroner.

Also:

H. 1027. To change the compensation of the Coroner of Madison County, Alabama.

Also:

H. 1030. To change the compensation of the Chairman of the County Commission of Madison County, Alabama.

Also:

H. 1031. To change the compensation of the Probate Judge of Madison County, Alabama.

Also:

H. 1048. Relating to the management of the public records of Lauderdale County; providing for the photographing or microphotographing of such public records and for the admissibility in evidence of photographed or microphotographed copies of records required to be kept by public officers of Lauderdale County, and for payment of the cost incurred in the purchase of photographic or microphotographic equipment; to authorize the photographing or microphotographing of old documents and records presently held as public records of Lauderdale County; to authorize the destruction of old documents not otherwise stored with the State Department of Archives and History.

Also:

H. 1029. To authorize the Madison County Commission to provide for the relief of Sara Hall Gibson.

Also:

H. 1253. Relating to Walker County; amending Act No. 598, H. 1640, Regular Session 1973 (Acts 1973, p. 858), which act creates the office of Assistant District Attorney for the Fourteenth Judicial Circuit, so as to provide further for the compensation of such assistant.

Also:

H. 1246. Relating to counties having a population of not less than 12,000, nor greater than 12,800, according to the latest Federal decennial census; allowing the clerk of the county court to destroy county court warrants, with the exception of unexecuted arrest warrants, after two years from the date of service of said warrant.

Also:

H. 1254. Relating to Walker County; to abolish the office of Solicitor of the County Court of Walker County and transfer all duties of said office to the district attorney's office of said county, providing also that the salary heretofore payable to the solicitor of the County Court of Walker County shall hereafter be transferred to the district attorney's office of the Fourteenth Judicial Circuit to be used for the salary of the assistant district attorney.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 950. Relating to Colbert County; to provide for the compensation of certain officers and officials in such county; to provide for referendum approval of said compensation as to each officer and to repeal laws or parts of laws in conflict with the provisions hereof which become effective.

Also:

H. 265. To require at least one member of the board of registrars in all counties having populations of not less than 150,000 nor more than 180,000 according to the most recent or any subsequent decennial census to visit each legislative house district for the purpose of accepting forms

for the reidentification of voters and for the purpose of accepting applications for the registration of voters; to provide for the designation of places to be visited; to provide further for the compensation and mileage of members of the board.

Also:

H. 823. Relating to all counties having populations of not less than 125,000 nor more than 175,000 according to the most recent federal decennial census, to authorize and provide for an additional expense allowance for the sheriff.

Also:

H. 976. Relating to Coosa county; to provide further for the type of newspapers in which certain notices required to be published in newspapers under the provisions of Section 713, Title 7, Code of Alabama 1940, may be published.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

#### BILLS ON THIRD READING RESUMED

The Bill:

H. 234. To further amend Sections 2, 3, 4, 5, 6, 7 and 8 of Act No. 867, S. 210, Regular Session 1965, [Acts 1965, p. 1615; now appearing in Code of Alabama, Recompiled, 1958, as Title 46, Sections 189 (33 thru 47)], as amended, an entitled "An Act To better provide for the public health by providing for the regulation and approval of schools of nursing, for the examination, regulation and licensing of professional and practical nurses; to create and define the powers of the Board of Nursing and the Advisory Council for practical nursing; to provide for the appointment and prescribed the terms of office, duties and compensation of members of such Board and of such Council; to provide for disciplining licensees and for appeals from decisions of the said Board; to prescribe penalties for violation of the provisions of this Act; and to make further provisions for the purpose of carrying out this Act," and to repeal conflicting statutes.

was taken up.

The Standing Committee on Health and Welfare reported the following amendment to the Bill, H. B. 234, to-wit:

#### COMMITTEE AMENDMENT TO H. B. 234

On page 6, line 20 and 21, strike the words "relating solely to professional nursing"

On page 6, line 23, add the following at the end of the sentence:

on concerns affecting the discipline of professional nurses and on matters of the planning and implementation of educational requirements of professional nurses

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Givhan, Jones, King, Little, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop.

—25

*Nays:*

—0

The Standing Committee on Health and Welfare then reported the following amendment to the Bill, H. B. 234, as amended, to-wit:

COMMITTEE AMENDMENT NO. 2 TO H. B. 234,  
AS AMENDED

On page 11, line 37 strike the words "other health professionals" and insert in lieu therefor the following:

health disciplines

Which was adopted.

Yeas 24; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Givhan, Jones, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, Roberts, St. John, Stewart, Torbert, Vacca.

—24

*Nays:*

—0

The Standing Committee on Health and Welfare then reported the following amendment to the Bill, H. B. 234, as amended, to-wit:

COMMITTEE AMENDMENT NO. 3 TO H. B. 234,  
AS AMENDED

On page 19, line 17, delete the words and insert in lieu thereof the following:

or upon its otherwise becoming a law

Which was adopted.

Yeas 21; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Givhan, Jones, Little, McMillan, Mims, Noonan, Pearson, Perloff, Perry, Roberts, St. John, Shelby, Stewart, Vacca.

—21

*Nays:*

—0

And said Bill, H. B. 234, as thus amended, was then read a third time at length and passed.

Yeas 23; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Givhan, Little, McMillan, Mims, Noonan, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop.

—23

*Nays:*

—0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 33. To make an appropriation from the state treasury for the relief of Mrs. Mary Jeanette Day.

Also:

S. 562. To amend Section 3 of Act No. 366, H. 1229, 1973 Regular Session (Acts of 1973, p. 518) entitled "To provide for Supernumerary Judges of the County Courts in the various counties of the State of Alabama having a population of more than 150,000 and less than 180,000 according to the last federal census, describing their duties, setting up the requirements and qualifications, fixing their compensation, status and tenure of office and providing for the payment of their salaries"; so as to change the percentage basis of the salaries.

Also:

S. 141. To amend Section 1 of Act No. 900, H. 1674, of the 1971 Regular Session, (Acts of 1971, p. 1663) entitled, "An Act relating to counties having populations of not less than 34,000 nor more than 34,800; according to the most recent federal decennial census; providing for the payment or reimbursement by said counties to the members, including the chairman, of the county commission, of their actual expenses incurred in the performance of their duties outside the county, including expenses incurred by them in attending conventions of the National Association of County Commissioners and the Alabama Association of County Commissioners," by providing in Section 1 thereof that expenses incurred by members of the County Commission, including the chairman, incurred in attending conventions of the National Association of County Commissioners and the Alabama Association of County Commissioners not be included in the Five Hundred Dollars (\$500.00) limitations placed on expenses by said Section 1.

JOHN W. PEMBERTON,  
Clerk.



## BILLS ON THIRD READING RESUMED

The Bill:

S. 97. To regulate further vehicles using the highways of the State; providing for and regulating the compulsory periodic inspection of motor vehicles, trailers, semi-trailers, pole-trailers and mobile homes; requiring the adjustment, correction or repair of certain parts or equipment of such vehicles if such inspection discloses the necessity therefor; providing for the designation and regulation of inspection stations and the appointment of state inspectors; prescribing the fee for inspecting a vehicle and for appointment as an inspection station; providing for the collection and use of such fees; prescribing penalties for violations of the act; authorizing and providing for the administration and enforcement of this act by the director of public safety; providing appropriation therefor; and repealing Act No. 542, H. 290 of the Regular Session of 1943 (Gen. Acts of 1943, p. 522) which provides for municipal vehicles testing stations.

was taken up.

Mr. Fine offered the following amendment to the Bill, S. B. 97, to-wit:

## AMENDMENT TO S. B. 97

Amend Senate Bill No. 97 Page 1 Line 35, by striking out the words Mobile home and wherever it appears in the bill.

Which was adopted.

Yeas 17; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Fine, Givhan, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Vacca.

— 17

*Nays:*

— 0

And said Bill, S. B. 97, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 16; Nays 8.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Flipppo, Givhan, King, McMillan, Mims, Mitchell, Noonan, Perloff, Powell, Roberts, Vacca, Wilson.

— 16

*Nays:*

Messrs. Clemon, Fine, Foshee, Owen, St. John, Stewart, Torbert, Waldrop.

— 8

## BILL RE-REFERRED

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in session, had acted on

the Bill, H. B. 807, and ordered same returned to the Senate with the recommendation that said Bill be re-referred to the Standing Committee on Finance and Taxation.

And the President and Presiding Officer of the Senate ordered said Bill, H. B. 807, re-referred to the Standing Committee on Finance and Taxation.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 495. To authorize the governing bodies of counties in this state to make temporary loans in anticipation of the receipt of funds from the United States under the "State and Local Fiscal Assistance Act of 1972".

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Fine, Flippo, Foshee, Givhan, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Powell, St. John, Shelby, Vacca.

—19

*Nays:*

—0

The Bill:

S. 657. To provide for compensation for services to patients under insurance coverage, whether rendered by a physician or dentist, so long as the provider acts within the scope of his licensure.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Givhan, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Pearson, Perloff, Shelby, Stewart, Waldrop.

—21

*Nays:*

—0

The Bill:

S. 755. To amend Sections 8, 9, 11, 13, 14, 16 and 23 of Act No. 79, S. 76, approved September 15, 1961, an act regulating the practice of engineering and land surveying; so as to provide: additional liability protection and legal counsel for the Board, biennial printing of Roster, an increase in certain fees and an increase in amount of funds that the Board may retain; and further to make an additional appropriation to the Alabama State Board of Registration for Professional Engineers and Land Surveyors from the "Professional Engineers' Fund" for the fiscal years ending September 30, 1975, September 30, 1976 and September 30, 1977.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Ellis, Fine, Flippo, Gilmore, Jones, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Pearson, Perloff, Shelby, Torbert, Vacca, Wilson.

—20

*Nays:*

—0

On motion of Mr. Ellis, unanimous consent was granted to add his name as co-sponsor of the above Bill.

The Bill:

H. 82. To name the new music building at Troy State in honor of Dr. John M. Long.

Was read a third time at length and passed.

Yeas 26; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Givhan, Jones, King, Little, Littleton, McDonald (A), McMillan, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Roberts, Shelby, Stewart, Wilson.

—26

*Nays:*

—0

The Bill:

H. 660. To name the gymnasium at George C. Wallace State Community College after Mrs. Annie Lee Cherry.

Was read a third time at length and passed.

Yeas 22; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Givhan, King, McDonald (A), McMillan, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Stewart, Wilson.

—22

*Nays:*

—0

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Kinsey:

H. 66. To require the granting, under certain circumstances, of either overtime pay or compensatory leave to law enforcement officers in the service of the state.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 66. To the Committee on Judiciary.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 845. To authorize every municipality in the State of Alabama and certain public corporations to transfer and convey, without an election, any gas system or part thereof, now or hereafter owned by such municipality or public corporation to any utility corporation subject to regulation by the Alabama Public Service Commission; to require prior approval by the said Commission of any such transfer and conveyance and of the terms thereof; to require that any such transfer and conveyance be made for not less than fair market value as determined by the said Commission; and to require prior approval, by each municipality which authorized, consented to, or made determinations prerequisite to the incorporation of a particular public corporation, of any such transfer or conveyance by such public corporation.

was taken up.

The Standing Committee on Commerce, Transportation, and Utilities reported the following amendment to the Bill, S. B. 845, to-wit:

### COMMITTEE AMENDMENT TO S. B. 845

On page 4, line 28, strike the number "4" and insert in lieu thereof the number 5

On page 5, line 8, strike the number "5" and insert in lieu thereof the number 6

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Givhan, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Shelby, Stewart, Wilson.

—25

*Nays:*

—0

The Standing Committee on Commerce, Transportation, and Utilities

then reported the following amendment to the Bill, S. B. 845, as amended, to-wit:

COMMITTEE AMENDMENT TO S. B. 845

Amend S. B. 845, page 3, line 21, by striking the words "or resolution"

Also on page 3, line 28, by striking the words "a resolution" and inserting in lieu thereof the following:

an ordinance

Which was adopted.

Yeas 24; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Givhan, Jones, King, Little, Littleton, McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, St. John, Shelby, Stewart, Wilson.

—24

*Nays:*

—0

And said Bill, S. B. 845, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Givhan, Jones, King, Little, Littleton, McMillan, Noonan, Owen, Pearson, Perloff, Perry, Roberts, St. John, Shelby, Stewart, Torbert, Wilson.

—26

*Nays:*

—0

The Bill:

S. 599. To protect the public safety by providing for notices to public utilities by persons excavating or discharging explosives near underground facilities or demolishing buildings containing utility facilities; to provide for notices to affected parties when underground facilities are damaged; to provide for the establishment of prima facie negligence for failure to give the notices; and to prescribe penalties for violations hereof.

was taken up.

The Standing Committee on Commerce, Transportation, and Utilities reported the following substitute for the Bill, S. B. 599, to-wit:

COMMITTEE SUBSTITUTE FOR SENATE BILL 599

A BILL  
TO BE ENTITLED  
AN ACT

To protect the public safety by providing for notices to public utilities

by persons excavating or discharging explosives near utility facilities or demolishing buildings containing utility facilities; to provide for notices to affected parties when underground facilities are damaged; to provide for the establishment of prima facie negligence for failure to comply with certain provisions of this act and to prescribe penalties for violations hereof.

Be It Enacted by the Legislature of Alabama:

Section 1. As used in this act:

a. "Person" includes an individual, partnership, corporation, association, cooperative or other legal entity including a person engaged as a contractor by a public agency but "person" does not mean a public agency as defined in subsection b. hereof.

b. "Public agency" means the state, a city, town, county or any other political subdivision of the State of Alabama.

c. "Public utility" means a natural gas company subject to the jurisdiction of the Federal Power Commission; telephone company subject to the jurisdiction of the Federal Communications Commission; a petroleum products pipeline subject to the jurisdiction of Interstate Commerce Commission; an electric, steam, gas, telephone, power, water or pipeline company subject to the jurisdiction of the Alabama Public Service Commission; a person, city, town, county, the state, or other political subdivision of the State of Alabama owning or operating cable television facilities; and any person, city, town, county, the state, or other political subdivision of the State of Alabama owning or operating facilities for transporting or supplying water, light, heat, gas, power, sewage disposal, crude oil or petroleum products.

d. "Construction activities" means any excavation, discharge of explosives, tunneling or demolition of any building or other structures containing utility facilities.

e. "Approximate location of underground facilities" means a strip of land at least 3 feet wide but not wider than the width of the facility plus 1½ feet on either side of the facility.

Section 2. This act does not apply to agricultural operations on private property or to a person or public agency using only non-powered hand tools in performing excavating or tunneling operations described herein, or powered tools on his own property.

Section 3. No person or public agency shall engage in construction activities in any street, highway, public place, right-of-way, private easement of a public utility, or near the location of a public utility facility or demolish any building containing a public utility facility without having first complied with the notification requirements of Sections 5 and 7 hereof.

Section 4. A public utility having underground facilities in a county shall file with the Judge of Probate of such county a map showing the general location of such facilities or a list containing the name of every city and town and the number of every section in such county in which it has underground facilities; and the name of the public utility and the title and address of its representative designated to receive the written notice of intent required by Section 5 hereof.

Section 5. Except as provided in Sections 7 and 9 hereof, any person or public agency responsible for construction activities in any street, highway, public place, right-of-way, private easement for a public utility, or near the location of utility facilities or responsible for demolition of a building containing any utility facility, shall serve written notice on all public utilities having facilities located in the proposed area of construction activities to be received in the office of the representative designated to receive such notice in Section 4 hereof at least 2 full working days, excluding Saturdays, Sundays, and legal holidays, but not more than 90 days, before commencing said construction activities.

The written notice of intent shall contain the name, address, and telephone number of the person or public agency filing the notice of intent, the name of the person or public agency performing the construction activities, the date, type and description of the location of said construction activities with sufficient particularity to enable the public utility to locate its affected utility facilities.

Section 6. A public agency that pursuant to law requires a person to obtain a permit to excavate, discharge explosives, tunnel, demolish buildings or other structures shall require as a condition of the permit that the person shall comply with the requirements of this act.

Section 7. (1) Two or more public utilities may form and operate an association providing for mutual receipt of notification of construction activities in a specified area. In areas where such an association is formed, notification to the members of such association may be effected by giving notice to the association in writing as set forth in Section 5, or by telephone, provided that the same information required by Section 5 is furnished by the person or public agency responsible for the construction activities. In areas where such an association is formed, any other public utility having facilities in the area may become a member of the association and participate in and receive the services furnished by the association by paying its share of the costs of the services furnished by the association. The association shall file with the Judge of Probate in each county in which it operates a description of the geographical area served by the association and list the name and address of every member and participating public utility.

(2) If said notification is made by telephone an adequate record shall be maintained by the association to document compliance with the requirements of this act.

Section 8. A public utility served with the notice in accordance with Section 5 or 7 hereof shall inform the person or public agency giving such notice of the approximate location of the underground facilities owned or operated by the public utility in the proposed area of construction activities. If the approximate location of an underground facility is marked with stakes or other physical means, the public utility shall follow the color coding prescribed herein, namely:

UTILITY AND TYPE OF PRODUCT	SPECIFIC GROUP IDENTIFYING COLOR
Electric power distribution and transmission	Safety Red
Municipal electric system	Safety Red

Gas distribution and transmission	High visibility Safety yellow
Oil distribution and transmission	High visibility Safety yellow
Dangerous materials, product lines	High visibility Safety yellow
Telephone and telegraph Systems	Safety alert Orange
Cable television	Safety alert Orange
Police and fire	Safety alert Orange
Water systems	Safety precaution Blue
Sewer Systems	Safety Brown

Where demolition of a building is proposed and the public utility is notified, it shall be given reasonable time to remove or protect its facilities before demolition of the building.

Section 9. In case of emergency which involves damage to property or which requires immediate correction in order to continue the operation of a major industrial plant, or to assure the continuity of public utility service, excavation, maintenance, or repairs may be made without using explosives if notice or advice thereof, in writing or otherwise, is given to the public utility or association as soon as reasonably practicable.

In case of an emergency involving an immediate and substantial danger of death or serious personal injury, the provisions of this act are inapplicable to the extent necessary to relieve said emergency.

Section 10. This act shall not be construed to authorize, affect, or impair local ordinances, charters or other provisions of law requiring permits to be obtained before excavating or tunneling in a public street or highway or to construct or demolish buildings or other structures on private property nor construed to grant to any person or public agency any rights not specifically provided by this act. No permit issued by a public agency shall be deemed to relieve a person from the responsibility for complying with the provisions of this act. The failure of any person, who has been granted a permit, to comply with the provisions of this act shall not be deemed to impose any liability upon the public agency issuing the permit. When engaged in extensive and contiguous construction activities, working agreements between public utilities and contractors may be established to accomplish the intent and purpose of this act.

Section 11. Upon receiving the information provided for in Section 8 hereof, a person or public agency engaging in construction activities shall exercise extreme caution when working in close proximity to the facilities of any public utility. Any person or public agency engaging in construction activities shall provide for such supports as may be reasonably necessary for the protection of facilities of any public utility. If the facilities are to be exposed or are likely to be exposed only hand-digging shall be employed.

Section 12. When damage to any facility of a public utility occurs as a result of construction activities, the public utility shall be notified immediately by the person or public agency responsible for the construction activities. If an electrical short occurs or if dangerous fluids or gases are escaping from a damaged line, the person or public agency responsible for the construction activities when the damage occurred shall



evacuate the immediate area while awaiting the arrival of the public utility personnel.

Section 13. A public utility whose facilities are damaged may file a complaint against the person causing said damage with the prosecuting attorney of the county wherein the damage occurred. If such person failed to comply with the notice provisions of Sections 5 or 7 hereof or due care requirements of Section 11 hereof, the prosecuting attorney may prosecute the case in a court of competent jurisdiction. This act does not affect any civil remedies for damage to public utility facilities except as otherwise specifically provided for in this act.

Section 14. In a civil action in any court of competent jurisdiction when it is shown by competent evidence that damage to the facilities of a public utility resulted from construction activities and that the person responsible for giving the notice of intent to engage in construction activities as required by Sections 5 and 7 hereof failed to give such notice or failed to comply with the provisions of Section 11 hereof, such person shall be deemed prima facie guilty of negligence.

Section 15. Any person or any officer, agent, representative, servant, or employee of any person or public agency who wilfully causes, aids or assists or participates in any wilful violation of this act is guilty of a misdemeanor, and shall be fined not more than \$1,000.00 for each offense. This penalty is in addition to any civil liability. Anyone who wilfully removed or otherwise destroys the stakes or other physical markings used by a public utility to mark the location of underground facilities with the intent to avoid or evade any of the provisions of this act or with the intent to impede the investigation of an alleged violation of any of the provisions of this act shall be guilty of a misdemeanor and shall be fined not more than \$5,000.00 and imprisoned not more than 90 days or both.

Section 16. If any provision of this act or the application thereof to any person or public agency or circumstance is held invalid, the remainder of the act and the application of such provision to other persons or public agencies or circumstances shall not be affected thereby.

Section 17. This act shall become effective 120 days after its passage and approval by the Governor, or upon its otherwise becoming a law.

The Standing Committee on Commerce, Transportation, and Utilities then reported the following amendment to the substitute for the Bill, S. B. 599, to-wit:

#### COMMITTEE AMENDMENT TO SUBSTITUTE FOR S. B. 599

Amend Senate Commerce, Transportation and Utilities Committee Substitute as follows: Deleting the period at the end of Line 7, Page 2 and by adding at the end of line 7, page 2 the words "or to a person or public agency working on property comprising one's private residence."

Which was adopted.

The Standing Committee on Commerce, Transportation, and Utilities then reported the following amendment to the substitute, as amended, for the Bill, S. B. 599, to-wit:

## COMMITTEE AMENDMENT TO SUBSTITUTE FOR S. B. 599

Amend Senate Commerce, Transportation and Utilities Substitute for S. B. 599 as follows: Delete the remainder of Section 15 after the words "civil liability." appearing on Line 21, Page 5.

Which was adopted.

And said substitute, as thus amended, for the Bill, S. B. 599, was then adopted by the Senate.

Yeas 20; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Givhan, Jones, King, Littleton, McDonald (A), McMillan, Owen, Perloff, Perry, Roberts, St. John, Stewart, Vacca.

—20

*Nays:*

—0

And said Bill, S. B. 599, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Givhan, Jones, King, Littleton, McDonald (A), McMillan, Mims, Mitchell, Pearson, Perloff, Perry, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—28

*Nays:*

—0

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 51. To Amend Sections 10 and 11 of Article VI of Act No. 1272 of the 1973 Regular Session of the Legislature of Alabama, approved September 18, 1973 (which amended in entirety Act No. 929 of the 1951 Regular Session of the Legislature, page 1579, et seq., as amended) which Act No. 1272 provides for a general pension system for salaried employees in each city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census, and for employees of the county board of health, civil defense agency and civic center, so as to provide in Sections 10 and 11 survivor benefits for the widows and children of retirees and employees.

Also:

H. 133. To amend Section 6 of Act No. 470 of the Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955 entitled

"An Act To provide a separate retirement and relief system for certain of the presently active employees of the City of Birmingham who entered the service of the police department of said city prior to September 19, 1939, and to whom is applicable the pension and relief system provided by Act No. 502 of the Regular Session of the Legislature of 1923, as reenacted and amended: to include in said separate system dependents of said presently active employees; and to render said Act No. 502 inapplicable to said certain presently active employees and their dependents."

Also:

H. 270. To amend Section 6 of Act No. 217 of the 1966 Special Session of the Legislature of Alabama approved August 30, 1966 (Acts of Alabama, 1966, Special Session Page 280 et seq.) Entitled "An Act to Provide A Separate Retirement and Relief System For Certain Of The Presently Active Employees Of The City Of Birmingham Who Entered the Service Of The Fire Department Of Said City Prior to September 19, 1939, And To Whom Is Applicable The Pension and Relief System Provided By Act No. 307 Of The 1943 Regular Session Of The Legislature of Alabama, as Amended, And Act Number 22 Of The Second Special Session Of The Legislature Of Alabama Of 1956, To Include In Said Separate System Dependents Of Said Presently Active Employees; And To Render Said Act No. 307 and Act Number 22 Inapplicable To Said Certain Presently Active Employees And Their Dependents."

Also:

H. 527. To further amend Act No. 22 of the Second Special Session of 1956, approved March 23, 1956 (Ala. Acts, Special Sessions of 1956, Page 290 et seq.), as heretofore amended, relating to deductions from salary and rights and benefits and pensions and relief of members and former members of the Fire Department of the City of Birmingham and their existing and former dependents under Act No. 307 of the Regular Session of the Legislature of Alabama of 1943, approved June 28, 1943 (General Acts Alabama 1943, Page 264) and the predecessors of said Act.

Also:

H. 898. To provide what the fees established by Section 274, Title 51, Ala. Code of 1940 (fees relating to sale of real estate for delinquent taxes) shall be in Jefferson County.

Also:

H. 944. To amend Act No. 17 of the Second Special Session of the Legislature of Alabama of 1975, approved March 10, 1975, which provided in every County of the State having a population of 600,000 or more according to the last or any subsequent Federal Census for the temporary detention, care and handling of mentally ill persons, pending formal commitment proceedings to determine whether such person should be committed to the Alabama State Hospitals.

Also:

H. 1153. Relating to the eighth judicial circuit; to provide expense allowances for each judge, the district attorney, the assistant district attorney, and each court reporter of the circuit; to make such allowances retroactive to April 1, 1975; and to provide for a salary supplement in lieu of the expense allowances commencing upon expiration of prohibitions prohibiting salary increases as to each officer.

Also:

H. 1298. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Dora in Walker County, Alabama.

Also:

H. 1328. To provide for expense allowances including retroactive expense allowances of certain officers of Morgan County.

Also:

H. 163. Relating to Conecuh County: Authorizing the sheriff to send, by first-class mail, notice of summons to persons selected to serve jury duty; and to notify, by first class-mail those persons selected to serve as election officers.

Also:

H. 164. Relating to Conecuh County, providing for the reimbursement of actual expenses of the members of the county board of education for their attendance at all authorized out-of-county meetings and conferences upon presentation of receipts by such members.

Also:

H. 165. Relating to Conecuh County; providing for an increase in the pay of the members of the board of registrars and board of equalization.

Also:

H. 166. Relating to Conecuh County; providing for a monthly clerical assistance allowance for the tax assessor of said county and specifically repealing Act No. 334, H. 921 of the Regular Session 1973 (Acts of 1973, p. 476), which Act provides for such an allowance for the months of October, November and December, only, making the provisions of this Act effective July 1, 1975.

Also:

H. 514. Relating to Tuscaloosa County; to provide for a uniform compensation schedule for all law enforcement officers in the sheriff's department in said county.

Also:

H. 599. To make an appropriation from the Marion County treasury for the relief of Ronnie Cook.

Also:

H. 598. To make an appropriation from the Marion County treasury for the relief of Ray Howell.

Also:

H. 653. Further relating to commercial fishing in public waters in all counties having populations of not less than 18,500 nor more than 20,500; to authorize and provide for a commercial fisherman's helper for certain such fishermen; to provide for the issuance of permits for such helpers; to prescribe the fees for such permits; to provide for their collection and distribution; and to prescribe penalties for violations of this act.

Also:

H. 582. Relating to counties having a population of not less than 14,000 nor more than 15,000 inhabitants according to the most recent federal decennial census, providing that persons serving on jury duty in such counties shall receive \$10.00 per day for such service, in addition to mileage of 10¢ per mile, and repealing all conflicting laws.

Also:

H. 581. Relating to counties having a population of not less than 14,000 nor more than 15,000 inhabitants according to the most recent federal decennial census, providing that the circuit court bailiffs of such counties shall receive ten dollars (\$10) per day for each day of service.

Also:

H. 833. To amend further Act No. 273, S. 292, approved August 7, 1947, (1947 Local Acts, p. 196), as amended and as last amended, which is designated "The Civil Service Act of Dothan".

Also:

H. 594. To alter, re-arrange and extend the boundaries of the Town of Kinsey, in Houston County, Alabama.

Also:

H. 630. To alter or rearrange the boundary lines of the Town of Gulf Shores, Baldwin County, Alabama.

Also:

H. 817. To provide for an additional expense allowance for the coroner of Blount County; to make the provisions of this Act retroactive.

Also:

H. 861. Relating to Coosa County, to amend Section 4 of Act No. 102, H. 222, Regular Session 1969 (Acts of 1969, p. 383), which act levys a sales and use tax on the sale and distribution on malt or brewed beverages, so as to allow the sheriff to confiscate such beverages which are untaxed.

Also:

H. 893. To amend Section 1, Act No. 667, H. 1789, Regular Session 1973 (Acts of 1973, p. 1005), entitled "An Act Relating to all counties having populations of not less than 16,245 nor more than 16,300; providing additional clerk hire allowances for the offices of the probate judge, tax assessor, tax collector and circuit clerk in such counties," so as to provide for an increase in the amount of said allowances.

Also:

H. 894. To amend Section 1 of Act No. 665, H. 1787, 1973 Regular Session (Acts of 1973, p. 1004), entitled "An Act To provide expenses allowances for members of the county commission of all counties having populations of not less than 16,245 nor more than 16,300 according to the most recent federal decennial census," so as to increase the amount of the expense allowance.

Also:

H. 929. Relating to Coosa County; providing additional expense allowance for members of the county commission, making the provisions of this act retroactive.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 300. To amend Act No. 37, H. 175, Special Session 1969 (Acts 1969, p. 88) as amended and as also appearing as Title 51, Sections 188 (10) -188 (18), Code of Alabama, 1940, which relates to the levy of a service use tax on utilities, so as to exclude public schools of this state from the provisions of said act.

was taken up.

Mr. Pearson offered the following amendment to the Bill, S. B. 300, to-wit:

#### AMENDMENT TO S. B. 300

Amend S. B. 300 by deleting Section 2 thereof in its entirety and substituting in lieu thereof the following:

Section 2. This Act shall become effective 60 days after its passage and approval by the Governor or upon its otherwise becoming a law.

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Flipppo, Gilmore, King, Little, Littleton, McDonald (A), McMillan, Mims, Noonan, Pearson, Perloff, Perry, Roberts, St. John, Shelby, Torbert, Wilson.

—23

Nays:

—0

Mr. Little offered the following amendment to the Bill, S. B. 300, as amended, to-wit:

#### AMENDMENT TO S. B. 300

Amend Senate Bill No. 300 by inserting after the word "public schools" wherever used the following "including all institutions of higher education, junior colleges and trade schools".

Which was adopted.

Yeas 22; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Gilmore, Givhan, Jones, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Pearson, Perloff, Roberts, St. John, Shelby, Torbert.

—22

*Nays:*

—0

And said Bill, S. B. 300, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Roberts, St. John, Stewart, Torbert, Vacca.

—26

*Nays:*

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#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 1245. Amending further Section 1 of Act No. 121, H. 22, Special Session 1971 (Acts 1971, p. 204), as amended, fixing the fee for pistol permits in counties having a population of not less than 12,000 nor more than 12,800 so as to provide for the distribution of fees collected by issuance of such permits.

Also:

H. 248. To repeal Act No. 1205, H. 31, 1971 Regular Session (Acts of 1971, p. 2091), entitled "An Act Relating to counties having a population of not less than 34,100 nor more than 34,900 according to the most recent federal decennial census; to provide further for the type of newspapers in which certain notices required to be published in newspapers under the provisions of Section 713, Title 7, Code of Alabama 1940, may be published."

Also:

H. 422. To provide further for the salary of any deputy clerk or register in a city other than the county seat in counties having a population of not less than 33,550 nor more than 34,000 according to the most recent federal decennial census.

Also:

H. 427. To provide an increase in salary for the deputy circuit clerk serving in the western one-half ( $\frac{1}{2}$ ) of all counties having a population of not less than 33,550 nor more than 34,000 inhabitants according to the most recent or any subsequent federal decennial census.

Also:

H. 441. Relating to the coroner's office in Franklin County; to provide for the coroner to appoint a deputy coroner; to prescribe the duties and compensation of said office; to provide for an increase in the compensation of the coroner's secretary and to repeal all conflicting statutes.

Also:

H. 188. Relating to the unincorporated community of Arrowhead in Montgomery County; providing that whenever the owner of a vacant platted lot contiguous to a dwelling fails or refuses to mow the grass and weeds thereon and/or collect debris therefrom after ten days written notice or by notice posted on said vacant platted lot by any adjacent householder or county engineer upon demand thereafter by such householder the county engineer shall have it done and send the lot owner the bill for the reasonable cost of such services, which shall become a lien upon the real property; and provided adjoining householder who enters premises in pursuant to this act shall not be a trespasser.

Also:

H. 295. To repeal Act No. 432, S. 665, 1973 Regular Session (Acts of 1973, p. 625), and Act No. 583, H. 1603, 1973 Regular Session (Acts of 1973, p. 840), which are identical Acts and which are both entitled "An Act Relating to counties having populations of not less than 10,660 nor more than 10,900 according to the most recent federal decennial census; to provide for an expense allowance for the sheriff in such counties; to repeal conflicting laws."

Also:

H. 529. To amend Article X, Section 10.1 of Act No. 404, S. 430, Regular Session 1953 (Acts 1953, p. 472) providing for the Council-Manager form of government in cities having a population of not less than 30,000 nor more than 33,000 according to the most recent federal decennial census, so as to provide that the question of the abandonment of the Council-Manager form of government may not be re-submitted within two years after any other election thereon.

Also:

H. 530. Relating to Calhoun County; to relieve and exempt the license commissioner from personal liability for errors, mistakes and omissions of employees serving under him.

Also:

H. 717. Relating to counties having a population of not less than 15,400 and nor more than 15,625, according to the last federal decennial census; to provide that the county commission or other like governing body shall provide without charge therefor, appropriate office space in the



county courthouse for any member of the state legislature representing any portion of such counties.

Also:

H. 294. Relating to Coosa County; to provide an expense allowance for the sheriff and to give the provisions of this Act retroactive effect.

Also:

H. 597. To provide for additional compensation and method of payment of the Clerk of the Court of Marion County, Alabama, In Law.

Also:

H. 109. Relating to Russell County, providing that the salary of the district attorney's secretary shall be set and paid by the county governing body of Russell County.

Also:

H. 110. Relating to counties having a population of not less than 42,000 nor more than 49,500 according to the most recent federal decennial census; to create the office of investigator for the district attorney; to provide for his duties, authority and compensation.

Also:

H. 108. To provide an additional expense allowance for the District Attorney of the Twenty-Sixth Judicial Circuit of Alabama.

Also:

H. 438. Relating to Marshall County: To authorize the Jury Commission of Marshall County to meet and attend to its duties for a period of ninety days per year, and to provide and authorize for the payment of salary, compensation and expenses of members of the Jury Commission.

Also:

H. 325. Relating to Clay County, authorizing the governing body to employ such clerical and secretarial employees as may, from time to time, be deemed necessary, subject to the availability of county funds for such purposes.

Also:

H. 277. To provide in all counties having populations of not less than 39,500 nor more than 41,750 according to the most recent federal decennial census, for the rate of publication of any quarterly or annual report published by the county governing body.

Also:

H. 276. Relating to counties having a population of not less than 39,500 nor more than 41,500 inhabitants according to the most recent federal decennial census; to authorize the county governing body of such counties to appropriate public funds to the use of rescue squads incorporated under the nonprofit corporation laws of this state.

Also:

H. 275. Relating to counties having a population of not less than 39,500 nor more than 41,500 inhabitants according to the most recent federal decennial census; to provide for paying the expenses of deputy sheriffs attending any school or training program where their expenses are not otherwise provided for by law.

Also:

H. 1247. Relating to all counties having a population not less than 22,000 nor greater than 22,500; providing that jurors' compensation in such counties shall be \$12 per day and 10¢ per mile.

Also:

H. 1152. To amend Act No. 707, H. 1354, 1973 Regular Session, (Acts 1973, p. 1058) entitled "An Act To authorize the governing body of Cullman County to provide for all help and equipment in the offices of the several officers in that county" to include all employees of the sheriff's department and intermediate court except the clerk of said court.

Also:

H. 1115. Relating to Russell County; to provide for an additional expense allowance for members of the county commission and for certain clerks of the county commission.

Also:

H. 1053. Amending Section 1 of Act No. 791, H. 923, Regular Session (Acts 1969, p. 1421), relating to the sheriff's department of Lauderdale County, so as to remove the maximum number of deputies that can be hired and removing the compensation limits of the deputies, secretaries and jailers.

Also:

H. 1052. Relating to Lauderdale County; setting the compensation and expense allowance of certain officials.

Also:

H. 1159. To alter or rearrange the boundary lines of the City of Geneva, Geneva County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Geneva County, Alabama.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 69. RELATING TO LAW ENFORCEMENT SECTIONS WITHIN THE DEPARTMENT OF CONSERVATION.

Also:

H. J. R. 325. NAMING SENATE BILL 183 THE MIMS-MITCHEM BILL.

Also:

H. J. R. 328. MOURNING THE DEATH OF FORMER REPRESENTATIVE JOHN L. CULVER.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

## RESOLUTION

Messrs. Givhan and Mitchell offered the following Senate Joint Resolution, to-wit:

S. J. R. 123. MOURNING THE DEATH OF WILSON BAKER.

WHEREAS, the Alabama Legislature has noted with a sense of deep regret the passing of Wilson Baker, Sheriff of Dallas County; and

WHEREAS, Sheriff Wilson Baker served his county and his country with honor and distinction; and

WHEREAS, Sheriff Wilson Baker is recognized nationwide as a dedicated law enforcement officer who was also a peacemaker; and

WHEREAS, time after time Sheriff Wilson Baker averted crises in his beloved county with his firm but fair treatment in a potentially volatile situation; and

WHEREAS, Sheriff Wilson Baker was the prime mover in founding and supporting the Alabama Sheriff's Boys Ranch; and

WHEREAS, Sheriff Wilson Baker served his fellow lawmen as a former president of the Alabama Peace Officer's Association and the Alabama Sheriff's Association; and

WHEREAS, Sheriff Wilson Baker was also known as a dedicated worker in the field of mental health; and

WHEREAS, he was a man of integrity and dignity, loyal to his friends, devoted to his family and dedicated in his sense of duty and responsibility to his church, county and state; and

WHEREAS, this legislature would like to pay tribute to this great but humble man who made a significant and lasting contribution to the State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Sheriff Wilson Baker and express our deep and sincere sympathy to his wife, Maude, and his family, to whom copies of this resolution shall be sent.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Mayor of Selma, the City Council, and the County Commission of Dallas County.

On motion of Mr. Givhan, the Rules were suspended and the Resolution was adopted by the Senate.

#### BILLS ON THIRD READING RESUMED

The Bill:

S. 301. To amend Act No. 21, H. 28, Special Session 1969 (Acts 1969, p. 46) as amended and as also appearing as Title 51, Sections 188 (1) - 188 (9), Code of Alabama, 1940, which relates to the levying of a gross receipts tax on utilities, so as to exclude public schools of this state from the provisions of said act.

was taken up.

Mr. Pearson offered the following amendment to the Bill, S. B. 301, to-wit:

#### AMENDMENT TO S. B. 301

Amend S. B. 301 by deleting Section 2 thereof in its entirety and substituting in lieu thereof the following:

Section 2. This Act shall become effective 60 days after its passage and approval by the Governor or upon its otherwise becoming a law.

Which was adopted.

Yeas 26; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Ellis, Fine, Flippo, Gilmore, Givhan, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

—26

Nays:

—0

Mr. Little offered the following amendment to the Bill, S. B. 301, as amended, to-wit:

## AMENDMENT TO S. B. 301

Amend Senate Bill No. 301 by inserting after the word "public schools" the following: "including but not limited to all institutions of higher learning, junior colleges, and trade schools".

Which was adopted.

Yeas 26; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Pearson, Perloff, Perry, Powell, Stewart, Torbert, Vacca, Wilson.

—26

*Nays:*

—0

And said Bill, S. B. 301, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Fine, Flippo, Gilmore, Givhan, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Stewart, Torbert, Vacca, Waldrop, Wilson.

—24

*Nays:*

—0

## CALENDAR BILL POSTED

On motion of Mr. Pearson, consideration of the Bill, S. B. 309, was postponed until the next Legislative day.

## BILLS ON THIRD READING RESUMED

The Bill:

H. 551. To regulate the operation of livestock markets in Alabama by requiring such markets to procure a permit issued by the Commissioner of Agriculture and Industries and to be bonded for the payment of their obligations; to authorize the revocation or cancellation of such permit under certain conditions together with the amount of the permit fee and the amount of bonds required; to require livestock markets to maintain physical standards of construction for safe and sanitary keeping and handling of livestock to prevent the spread of livestock diseases; to impose requirements or prohibitions with respect to the sale of livestock at public auction or otherwise; to require livestock markets to keep records of the receipt and sale of livestock with respect to the identity of livestock and furnish bills of sale to buyers; to authorize the adoption of rules and regulations to carry out the provisions of this Act; to require livestock markets to carry fire and windstorn insurance; to prescribe a penalty for

violations including injunctive proceedings; and to repeal conflicting laws and fix a date on which said Act shall become effective.

Was read a third time at length and passed.

Yeas 22; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perloff, Perry, Powell, St. John, Shelby, Torbert.

—22

*Nays:*

—0

#### CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Mims, further consideration of the Bill, S. B. 449, was indefinitely postponed by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 67. COMMENDING THE MEMBERS OF THE DEMOCRATIC PARTY'S COMMISSION ON ELECTION LAW REFORM.

Also:

S. J. R. 72. WISHING JERRY BATTS GOOD LUCK ON STARTING LAW SCHOOL.

Also:

S. J. R. 81. MOURNING THE DEATH OF BOBBY REICH.

Also:

S. J. R. 84. WISHING E. J. "BOOTS" GOSDIN A SPEEDY RECOVERY.

Also:

S. J. R. 86. COMMENDING MAJOR GENERAL THOMAS W. MORGAN ON HIS ILLUSTRIOUS MILITARY CAREER.

Also:

S. J. R. 87. COMMENDING WILLIAM A. KYNARD.

Also:

S. J. R. 96. MOURNING THE DEATH OF FORMER SENATOR HERBERT CONWAY.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 111. WISHING SENATOR PAT VACCA A HAPPY BIRTHDAY.

JOHN W. PEMBERTON,  
Clerk.

## BILLS ON THIRD READING RESUMED

The Bill:

S. 450. Requiring the owners of livestock who brand their livestock to register such brands with the Department of Agriculture and Industries, and to provide for the transfer and re-registration of such registered brands; to prescribe fees to be paid therefor; to require the Department of Agriculture and Industries to furnish copies of registered brands to livestock markets, sheriffs and other law enforcement personnel for tracing, locating and determining ownership of lost, estrayed or stolen livestock; imposing certain duties relating to record keeping of the receipt, sale and handling of livestock upon livestock markets, slaughterers, livestock dealers and livestock hide dealers concerning the identity of livestock; to authorize the State Board of Agriculture and Industries to adopt rules and regulations to carry out the provisions of this act; to prescribe penalties for violations of the provisions of this Act; to provide for the effective date hereof, and the repeal of laws in conflict with this Act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Perloff, Perry, Roberts, St. John, Stewart, Torbert, Vacca, Waldrop.

—25

Nays:

—0

The Bill:

S. 768. Relating to the registration of cotton buyers; providing for a registration fee; prohibiting certain acts and providing a penalty; and declaring an emergency.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 16; Nays 0.

Yeas:

Messrs. Adams, Bank, Fine, Flipppo, Givhan, Jones, King, McDonald (A), McDonald (S), McMillan, Mims, Perloff, Perry, Shelby, Stewart, Torbert.

—16

Nays:

—0

(A quorum of the Senate was present but not voting.)

The Bill:

S. 966. To amend Act No. 1407, S. 414, Regular Session 1971 (Acts 1971, p. 2378), Alabama's Controlled Substances Act so as to provide certain penalties for first time offenders and life imprisonment for certain repeat offenders under said Act.

was taken up.

Mr. Edwards offered the following substitute for the Bill, S. B. 966, to-wit:

#### SUBSTITUTE FOR SENATE BILL 966

##### A BILL TO BE ENTITLED AN ACT

To amend Act No. 1407, S. 414, Regular Session 1971 (Acts 1971, p. 2378), Alabama's Controlled Substances Act so as to provide certain penalties for first time offenders and life imprisonment for certain repeat offenders under said Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 407 of Act No. 1407, S. 414, Regular Session 1971 (Acts 1971, p. 2378) is hereby amended to read as follows:

"Section 407. (Second or Subsequent Offenses.) (a) Any person convicted of a second or subsequent offense under this Act may be imprisoned for a term up to twice the term otherwise authorized, fined an amount up to twice that otherwise authorized, or both.

"(b) For purposes of (a) of this Section, an offense is considered a second or subsequent offense, if, prior to his conviction of the offense, the offender has at any time been convicted under this Act or under any statute of the United States or of any State relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs.

(c) (1) Any person convicted of a first offense for the possession or sale of the following substances in their respective quantities shall be sentenced to a mandatory minimum of 10 years with no suspension of sentence or probation until at least one-third of the sentence is served.

More than 1 oz. of heroin, morphine, or cocaine; more than 16 oz. of any one of the drugs listed in Title 22 Section 258 (29) (b) (1) - (42), (c) (1) - (22) and Title 22 of Section 258 (31) (b) (1) - (4), (c) (1) - (21) of the Code of Alabama or Lysergic Acid Diethylamide or any combination thereof.

(2) Any person convicted of a second or subsequent offense for the sale or possession of the following substances in their respective quantities shall be sentenced to a mandatory life sentence with no suspension of sentence, probation or parole.

More than 1 oz. of heroin, morphine, or cocaine; more than 16 oz. of any one of the drugs listed in Title 22 Section 258 (29) (b) (1) - (42), (c) (1) - (22) and Title 22 Section 258 (31) (b) (1) - (4), (c) (1) - (21) of the Code of Alabama or Lysergic Acid Diethylamide or any combination thereof.



Section 2. All laws, or parts of laws, local, general or special, in conflict to this Act are hereby repealed.

Section 3. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Mr. Clemon moved that further consideration of the Bill, S. B. 966, be postponed until the Thirty-first Legislative Day. Mr. Edwards moved that the motion to postpone be laid on the table, which motion was lost.

Yeas 7; Nays 16.

*Yeas:*

Messrs. Baker, Edwards, Ellis, Flippo, King, Little, McDonald (A).

—7

*Nays:*

Messrs. Adams, Bank, Clemon, Fine, Foshee, Gilmore, Givhan, Jones, Littleton, McMillan, Mitchell, Pearson, Perloff, Powell, Shelby, Stewart.

—16

The question recurred on the motion of Mr. Clemon, which was adopted, and further consideration of the Bill, S. B. 966, and pending substitute, was postponed until the Thirty-first Legislative Day.

The Bill:

S. 136. To prohibit the abandonment of motor vehicles upon any privately-owned property; providing for the removal of such abandoned property and for a misdemeanor offense for such abandonments.

was taken up.

The Standing Committee on Judiciary reported the following substitute for the Bill, S. B. 136, to-wit:

#### SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR S. B. 136

#### A BILL TO BE ENTITLED AN ACT

To amend Act 1154, Acts of Alabama, Regular Session, 1971, to prohibit the abandonment of motor vehicles upon any privately owned property and authorize removal of such vehicles therefrom; to authorize peace officers to remove a motor vehicle from a public street, road, highway or other public property if it is apparent that such vehicle is being stripped by vandals, constitutes a safety hazard, or was abandoned by a fleeing operator to avoid prosecution; to provide for the removal and a method of sale of such abandoned vehicles; and to make it unlawful to abandon a motor vehicle.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act 1154, Acts of Alabama, Regular Session, 1971, is hereby amended so as to read as follows:

"Section 1. For the purposes of this Act, an 'abandoned motor vehicle' shall mean a motor vehicle as defined in Title 36, § 1, Code of Alabama of 1940, as amended:

"(a) Which has been left by the owner, or some person acting for the owner, with an automobile dealer, repairman or wrecker service for repair or for some other reason and has not been called for by such owner or other person within a period of sixty (60) days after the time agreed upon and within sixty (60) days after such vehicle is turned over to such dealer, repairman or wrecker service when no time is agreed upon, or within sixty (60) days after the completion of necessary repairs.

"(b) Which is left unattended on a public street, road or highway or other public property for a period of at least forty-eight (48) hours.

"(c) Which has been lawfully towed onto the property of another at the written request of a law enforcement officer and left there for a period of not less than sixty (60) days without anyone having made claim thereto.

"(d) Which is left unattended on any private property of any person and without such person's express or implied consent that such vehicle remain thereon, for a period of sixty (60) days or more.

"(e) Which is left unattended on a public street, road or highway or other public property for a period of less than forty-eight (48) hours when it is reasonably ascertainable that said motor vehicle is being stripped of any of its parts and equipment by vandals, constitutes an immediate safety hazard to other vehicles utilizing such road, or was abandoned by a fleeing operator seeking to avoid arrest."

Section 2. Section 2 of Act 1154, Acts of Alabama, Regular Session, 1971, is hereby amended so as to read as follows:

"Section 2. "(a) Any peace officer:

"(1) who finds a motor vehicle which has been left unattended on a public street, road or highway or other public property for a period of at least forty-eight (48) hours;

"(2) who finds a motor vehicle which has been left unattended on a public street, road or highway or other public property for a period of less than forty-eight (48) hours and which is being stripped of any of its parts and equipment by vandals, constitutes a safety hazard to other vehicles utilizing such road, or was abandoned by a fleeing operator seeking to avoid arrest; or

"(3) who is made aware of the presence of an abandoned vehicle on private property by the owner of such property on which a vehicle has been allegedly abandoned for a period of sixty (60) days or more, "shall be authorized to cause such motor vehicle to be removed to the nearest garage or other place of safety.

"(b) Any peace officer who under the provisions of this section causes any motor vehicle to be removed to a garage or other place of safety shall be liable for gross negligence only and any person removing such vehicle or other property at the direction of a peace officer in accordance with the provisions of this section, shall have a lien on such motor vehicle for a reasonable fee for such removal and for the storage of such motor vehicle.

“(c) Any peace officer who under the provisions of this section causes the removal of any motor vehicle to a garage or other place of safety, shall within five days give written notice of such removal, which notice shall include a complete description of the motor vehicle serial number and license number thereof, provided such information is available, to both the Secretary of State, State of Alabama and the Department of Public Safety State of Alabama.”

Section 3. Section 3 of Act 1154, Acts of Alabama, Regular Session, 1971, is hereby amended so as to read as follows:

“Section 3. Any automobile dealer, wrecker service or repair service owner who shall have an abandoned motor vehicle on his property, or any person or firm on whose property a motor vehicle is lawfully towed at the written request of a law enforcement officer under the provisions of Section 1 (c) above, or, if an abandoned motor vehicle is removed from private property or a public street, road, highway or other public property under the provisions of Section 1(d) and (e) above by a peace officer employed by a department of the County or municipal governing body, then such County or municipal governing body, may each sell the same at public auction. Upon the payment of the sales price, the purchaser shall be entitled to and the person making such sale shall issue to him a bill of sale to such abandoned motor vehicle and such purchaser shall take title to said vehicle, free and clear of all liens and encumbrances.”

Section 4. Section 4 of Act 1154, Acts of Alabama, Regular Session, 1971, is hereby amended so as to read as follows:

“Section 4. The owner of an abandoned motor vehicle and all lienholders of record, when such information is reasonably obtainable, shall be notified by Registered or Certified Mail that such vehicle will be sold pursuant to the provisions of this Act, giving a complete description of the vehicle, the date and place the vehicle was found or taken into possession, the date and place of the sale, and the name of the person who has custody of the vehicle. If the identity of the owner cannot be determined or if it is impossible or impracticable to determine with reasonable certainty the identity and addresses of all lienholders, then such notice shall be given by publication once a week for two (2) successive weeks in a newspaper of general circulation, published in the County in which such automobile dealer, wrecker service or repair service owner has its fixed place of business, or in the County where such vehicle was lawfully towed at the written request of a law enforcement officer, or where a person shall have such abandoned motor vehicle on his property, or in the County in which such motor vehicle was impounded. In counties in which no newspaper is published, notice shall be given by posting such notice in a conspicuous place at the Courthouse. The notice by mail, first publication, or posting, as the case may be, shall be at least twenty (20) days before the sale.

Section 5. Section 7 of Act 1154, Acts of Alabama, Regular Session, 1971, is hereby amended so as to read as follows:

“Section 7. The Register shall retain the remaining balance of the proceeds of such sale for a period of twelve (12) months, and if no claim has been filed against such proceeds by the owner of the abandoned motor vehicle or any interested party, then he shall pay such remaining balance as follows:

“(a) If the abandoned motor vehicle came into the possession of a County or municipal governing body by removal from private property

upon authority of a peace officer of such political subdivision, the proceeds of sale shall be paid to the General Fund of the County or municipal governing body which impounded and sold such vehicle.

“(b) If the abandoned motor vehicle came into the possession of the person making such sale at the written request of a police officer of a municipality, the proceeds of sale shall be divided equally and paid to the General Fund of the municipality if any, in which the sale was made and to the General Fund of the State of Alabama.

“(c) If the abandoned motor vehicle came into the possession of the person making such sale at the written request of a County sheriff, the proceeds of sale shall be divided equally and paid to the General Fund of the County in which the sale was made, and to the General Fund of the State of Alabama.

“(d) If the abandoned motor vehicle came into the possession of the person making such sale at the written request of a State Trooper or employee of the State of Alabama, the proceeds of sale shall be paid to the General Fund of the State of Alabama.

“(e) In all other instances, the proceeds of sale shall be divided equally and paid to the General Fund of the County in which the sale was made, to the General Fund of the municipality, if any, in which the sale was made, and to the General Fund of the State of Alabama.”

Section 6. Any person responsible for abandoning any motor vehicle as hereinabove described shall be guilty of a misdemeanor offense, and upon any conviction therefor shall be subject to the penalties proscribed by existing laws for a misdemeanor offense.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. All laws or parts of laws which conflict with this Act are repealed.

Section 9. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 17; Nays 0.

Yeas:

Messrs. Baker, Bank, Ellis, Fine, Flipppo, Givhan, King, Little, McDonald (S), McMillan, Mitchell, Noonan, Owen, Roberts, Shelby, Stewart, Torbert.

—17

Nays:

—0

And said Bill, S. B. 136, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Fine, Flippo, Gilmore, Givhan, Jones, McDonald (S), Mims, Mitchell, Noonan, Owen, Perloff, Shelby, Stewart, Torbert, Waldrop.

—18

*Nays:*

—0

The Bill:

S. 391. To amend Section 4 of Act No. 46 enacted at the 1949 Regular Session of the Legislature of Alabama, as amended, so as to provide that the certificate of incorporation of a county hospital board may contain provisions requiring that one or more of the members of its board of directors be elected from persons residing in certain specified political or other similar subdivisions of the county or from certain specified occupational or other similar groups or from among persons nominated by specified political subdivisions, public officers or occupational or other similar groups and so as to validate any certificates of incorporation of such hospital boards heretofore filed and containing such provisions.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 17; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Fine, Flippo, Foshee, Givhan, Jones, King, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Stewart, Torbert.

—17

*Nays:*

—0

(A quorum of the Senate was present but not voting.)

The Bill:

S. 245. To provide for the payment of the medical and hospital expenses of certain public employees resulting from injuries received in the line and scope of their duties and for the payment of their usual salaries or other compensation during the time they are disabled because of such injuries, and to authorize and direct the employing governmental agencies to pay or provide for the payment of such expenses and salaries.

was taken up.

The Standing Committee on Local Government reported the following substitute for the Bill, S. B. 245, to-wit:

#### COMMITTEE SUBSTITUTE FOR S. B. 245

#### A BILL TO BE ENTITLED AN ACT

Providing for the coverage of the employees of all counties and certain municipalities under the provisions of the Workmen's Compensation Law;

and for this purpose amending the Code of Alabama 1940, Title 26, Section 263.

**Be It Enacted by the Legislature of Alabama:**

Section 1. After the effective date of this act, the provisions of the Code of Alabama 1940, Title 26, Chapter 5, shall be applicable to the employees of all counties and all municipalities having populations greater than 2,000 according to the most recent federal decennial census, and the provisions of the Workmen's Compensation Law shall govern in their employment. The employees of all counties and each municipality covered under the provisions of this act shall have available to them all the rights and remedies provided under Workmen's Compensation Law. The governing body of all counties and of each municipality covered under the provisions of this act shall file all necessary employer reports and notices required at the times and in the manner prescribed in the Workmen's Compensation Law.

Section 2. The Code of Alabama 1940, Title 26, Section 263, as last amended, is hereby further amended to read as follows:

"Section 263. Articles 1 and 2 of chapter not applicable to certain employments. Articles 1 and 2 of this chapter shall not be construed or held to apply to domestic servants, to farm laborers whose employers have not filed an election to become subject to this chapter, or to persons whose employment at the time of the injury is casual, and not in the usual course of the trade, business, profession or occupation of the employer, or to any employer, who regularly employs less than four employees in any one business or to any municipalities having populations of less than 2,000 according to the most recent federal decennial census or school district. Any employer who regularly employs less than four employees in any one business, any farmer, or any municipalities having populations of less than 2,000 according to the most recent federal decennial census or school district may accept the provisions of articles 1 and 2 of this chapter by filing written notice thereof with the department of industrial relations, a copy thereof to be posted at the place of business of said employer and provided further, that any employer who has so elected to accept the provisions of articles 1 and 2 of this chapter may at any time withdraw the acceptance by giving like notice of withdrawal."

Section 3. The provisions of this act are supplemental and shall not be construed to repeal any laws not directly inconsistent herewith.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective 60 days after its passage and approval by the Governor or its otherwise becoming law.

Which was adopted.

Yeas 21; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Flippo, Foshee, Givhan, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perloff, Powell, St. John.

*Nays:* —0

And said Bill, S. B. 245, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Flippo, Foshee, Givhan, Jones, King, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perloff, St. John, Stewart, Vacca.

—20

*Nays:* —0

The Bill:

S. 1106. To Amend Code of Alabama 1940, Title 2, Section 606, as amended, so as to allow the sale of milk in three quart containers.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 1.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Fine, Givhan, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perloff, Powell, Shelby, Stewart, Vacca.

—21

*Nay:* Mr. St. John. —1

The Bill:

S. 473. Providing that committees of dentists appointed or formed as Utilization Review and Quality Control Committees, Peer Review Committees and Professional Standards Review Committees shall not be deemed liable in damages for actions taken or recommendations made when acting in good faith on facts reasonably known to exist.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Vacca.

—27

*Nays:* —0

The Bill:

S. 688. To provide for the creation of a Criminal Justice Advisory

Commission; to provide for the membership and function of the Commission; and to make an appropriation to defray the expenses of the Commission.

was taken up.

Mr. McMillan offered the following amendment to the Bill, S. B. 688, to-wit:

#### AMENDMENT TO S. B. 688

Add at the end of Section 1, on page 2, the following:

"In addition, the president of the Alabama District Attorneys' Association shall be a member of the Commission."

Which was adopted.

Yeas 23; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Powell, Roberts, St. John, Stewart, Vacca, Waldrop.

—23

*Nays:*

—0

Mr. McMillan then offered the following amendment to the Bill, S. B. 688, as amended, to-wit:

#### AMENDMENT TO S. 688

Add at the end of Section 1, on page 2, line 5, the following:

In addition, the members of any joint interim committee of the legislature created by Act 12, S. J. R. 9 Organizational Session 1975 to study the criminal justice system shall be members of the Commission until January 1, 1979. Thereafter, the members of any joint interim committee of the legislature created to study the criminal justice system shall be members of the Commission.

Which was adopted.

Yeas 28; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop.

—28

*Nays:*

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Mr. McMillan then offered the following amendment to the Bill, S. B. 688, as amended, to-wit:

Amend Senate Bill No. 688 Page 2, by striking out Section 6 in its



entirety and renumbering each succeeding section and by inserting December 1, 1975 in lieu of October 1, 1976 in Section 7 thereof.

Which was adopted.

Yeas 26; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca.

—26

*Nays:*

—0

And said Bill, S. B. 688, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Gilmore, Jones, King, Little, Littleton, McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, St. John, Shelby, Stewart, Torbert, Vacca.

—21

*Nays:*

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### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 887. To establish a system of regulation and control of coal surface mining and reclamation; a declaration of public policy and legislative intent; a section defining key provisions of this act; the creation and establishment of the Alabama Surface Mining Reclamation Commission with powers and authority; establishes necessity of licenses and qualifications for obtaining licenses, and provides for permits with a right to surface mine and proper application therefor; requires a reclamation plan and map; provides for removal of certain facilities; establishes blasting regulations and setback requirements; sets application fees, bond of operator, insurance requirement, sufficiency of surety, cancellation by surety and suspension of operator's permit; provides for posting of lands; provides for entry upon lands for inspection; provides for reporting of certain information by certain purchasers of coal and provides penalties for the failure to comply; provides for confidentiality of certain records; establishes violations, administrative procedures, procedure for appeals from orders of the Commission, provides for legal remedies, enforcement provisions; and penalties; establishes the Alabama Surface Mining Reclamation Fund; provides for citizens' suits; provides for rule making procedures; provides saving and conforming provisions and establishes the effective date and orderly transition to said

new act and repeals the Surface Mining Act of 1969 (Act 399 Regular Session) as to regulation of coal surface mining only; provides for approval of certain coal leases; provides for severability; sets effective date of the act.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

Mr. Wilson moved that the Senate non-concur in the following House amendment to the Bill, S. B. 887, the title of which is set out in the foregoing Message from the House, to-wit:

### AMENDMENT TO S. B. 887

Amend Senate Bill 887, Section 16, Subsection (4), page 23, by deleting the period following the word "thereof" and adding the words:

in accordance with the procedures established by this Act.

### AMENDMENT TO SENATE BILL 887

Senate Bill 887 is hereby amended by inserting the following in substitution for subsection (1) of Section 17, beginning on line 25 of page 23:

Should the Commission determine that any final order made by it under the procedure set forth in Section 16, not then the subject of judicial review, or should the Commission determine that any provision of this Act is being violated by any operator, then the Commission may cause to have instituted a civil action in any court of competent jurisdiction for injunctive or other appropriate relief to prevent any further or continued violation of such final order. Any person who violates any provision of this Act or any rule or regulation adopted pursuant to this Act or any final order of the Commission shall be liable for a civil penalty of up to \$10,000 for each day of said violation.

### AMENDMENT TO SENATE BILL 887

Senate Bill 887 is hereby amended by inserting the following after subsection (b) of Section 20, beginning on line 3 of page 26:

(c) within five hundred (500) yards of Smith Lake, Little River Canyon, and within the boundaries of any State park or National forest.

Mr. King offered a substitute motion that the Senate concur in the House amendment to the Bill, S. B. 887. On motion of Mr. Wilson, the motion to concur was laid on the table.

The question was then on the motion of Mr. Wilson, which was adopted, and the Senate non-concurred in the House amendment to the Bill, S. B. 887, and requested a Committee on Conference.

Yeas 23; Nays 4.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Flippo, Foshee, Gilmore, Givhan, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Powell, St. John, Shelby, Torbert, Vacca, Wilson.

*Nays:*

Messrs. King, Little, Stewart, Waldrop.

—4

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. Flippo, Owen and Wilson.

### RESOLUTION

Messrs. Pearson and Clemon offered the following Senate Resolution, to-wit:

S. R. 124. MOURNING THE DEATH OF DR. EMORY O. JACKSON.

WHEREAS, Mr. Jackson, a graduate of Morehouse College, has served for many years as Editor of the Birmingham World and has in doing so enhanced the Birmingham community in the dissemination of worthy news information; and

WHEREAS, He devoted so much time and effort to work with the Young Men's Christian Association, the Jefferson County Progressive Democratic Council, the Southern Regional Council, Alabama Council on Human Relations, Omega Psi Phi Fraternity, and other political and civic organizations; and

WHEREAS, Mr. Jackson has served faithfully as a member of Sardis Baptist Church to advance the cause of Christ;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF ALABAMA That we note with profound regret the death of Mr. Jackson and pay this tribute to his memory. We mourn his death while at the same time expressing our grateful appreciation for his many deeds of service to his fellowman, and, collectively and individually, extend our sincere sympathy to his family.

BE IT FURTHER RESOLVED, That copies of this resolution shall be sent to members of his family.

On motion of Mr. Pearson, the Rules were suspended and the Resolution was adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 506. To amend Sections 279, 280, 282, 283, 284, 285, 288 and 289 of Title 62 of the 1940 Code of Alabama, which sections regulate the licensing, teaching and practice of cosmetology in Jefferson County.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 1376. Relating to all counties having populations of not less than 22,000 nor more than 22,500, according to the most recent federal decennial census; providing further for the distribution of fines and forfeitures from convictions in certain cases of traffic violations; validating, ratifying and confirming all prior deposits of such fines and forfeitures; repealing all conflicting laws and parts of laws, general, local, and special.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 1016. Relating to Etowah County; authorizing the Etowah County Commission to impose a privilege or license tax upon the sale, distribution, storage, use or other consumption of cigarettes in said county; providing for enforcement and collection of the tax, and making provisions for the distribution of the proceeds.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 290. To amend further the title and Section 1 of Act No. 394, H. 828, Regular Session 1961 (Acts 1961, p. 406), as amended, so as to further provide for deputies and assistants to the sheriff of Lee County; giving this act retroactive effect.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 637. To amend Act No. 639 of the Regular Session of the Legislature of Alabama of 1973 (Acts, 1973, pages 946-948), which Act levied an additional pistol permit fee in counties having a population of 500,000 or more, according to the last or any subsequent federal decennial

census and established a Sheriff's Fund and a Legislative Fund, so as to provide for the appropriation by the county governing body of said funds.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 384. Pursuant to provisions of Section 155, Article VI of the Constitution of Alabama as amended (Section 6.16 of Amendment CCCXXVIII, proclaimed December 27, 1973), this bill creates and provides for Supernumerary-Retired Probate Judges in counties having a population of 600,000 and over, according to the last or any subsequent federal census, similar to and equal with provisions of law for Circuit Judges in such counties, and provides for continuation of service; creates and establishes the Probate Judges Retirement Fund in such counties for the purpose of providing for the payment of retirement and disability benefits for such judicial officers; prescribing the qualifications, term, duties, powers, authority, compensation and benefits of any such county Supernumerary-Retired Probate Judge of such counties; providing for payment of contributions into such fund by any eligible probate judge and for payments out of the county general fund or from fees and commissions collected by the probate court and paid into the county general fund. It provides for carrying out the provisions of this Act, and regulates the administration and supervision thereof.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 1082. To regulate and control the sale of alcoholic beverages in Madison County, Alabama; to authorize the City of Huntsville in said County to license, regulate, and control the sale of alcoholic beverages within the corporate limits and the police jurisdiction thereof; to provide that the Council or other governing body of the City of Huntsville, in Madison County, shall have the power to suspend or revoke any retail liquor or malt or brewed beverage license issued by said city; to provide for the reclassification of existing retail malt and brewed beverages and retail liquor licenses; to provide that nothing herein shall relieve any licensee from complying with all of the laws of the State of Alabama and the rules and regulations of the Alcoholic Beverage Control Board of the State of Alabama pertaining to said licensee; to provide that licensees have all required food handling permits from the Madison County Department of Public Health; to provide for the revocation and suspension of licenses for certain violations; to regulate the hours of retail liquor and retail malt or brewed beverage establishments within said County; to provide for the

prompt reporting of all assaults, assault and batteries, affrays, and other altercations occurring upon licensed premises.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 1304. Relating to counties having a population of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census; to provide for an additional expense allowance for the county superintendent of education.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 1266. To authorize certain savings and loan associations to establish a branch or branches in certain parts of Chambers County, Alabama.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 1003. Relating to the official court reporter in every judicial circuit, composed of one county with a population of not less than 27,000 nor more than 27,900, so as to authorize an expense allowance for the court reporter.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 1001. Relating to the circuit judge in every judicial circuit composed of one county, having but one circuit judge, with a population of not less than 27,000 nor more than 27,900, authorizing an expense allowance for the circuit judge; and repealing Act No. 1467, S. 1001, 1971 Regular Session (Acts of 1971, p. 2510) entitled, "An Act relating to the

office of the circuit judge in every judicial circuit composed of one county, having but one circuit judge with a population of not less than 27,000 nor more than 27,900, authorizing an expense allowance for the circuit judge.”

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 347. To amend Sections 2 and 4 of Act No. 354, H. 1051, 1973 Regular Session (Acts of 1973, p. 490) entitled “An Act Relating to counties having a population of not less than 12,700 and not more than 13,100 according to the most recent federal decennial census; to provide for the compensation and certain expenses of the register of the circuit court in any such county, payable from county funds; and providing for certain other duties of such register,” so as to provide further for an expense allowance for the register.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 346. Relating to counties having a population of not less than 12,700 nor more than 13,100 according to the most recent federal decennial census; to provide for an expense allowance for members of the board of education; to provide that said allowance shall be the only form of compensation for said members and to repeal all conflicting statutes.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 1376. Relating to all counties having populations of not less than 22,000 nor more than 22,500, according to the most recent federal decennial census; providing further for the distribution of fines and forfeitures from convictions in certain cases of traffic violations; validating, ratifying and confirming all prior deposits of such fines and forfeitures; repealing all conflicting laws and parts of laws, general, local, and special.

Also:

H. 506. To amend Sections 279, 280, 282, 283, 284, 285, 288 and 289 of Title 62 of the 1940 Code of Alabama, which sections regulate the licensing, teaching and practice of cosmetology in Jefferson County.

Also:

H. 1016. Relating to Etowah County; authorizing the Etowah County Commission to impose a privilege or license tax upon the sale, distribution, storage, use or other consumption of cigarettes in said county; providing for enforcement and collection of the tax, and making provisions for the distribution of the proceeds.

Also:

H. 1082. To regulate and control the sale of alcoholic beverages in Madison County, Alabama; to authorize the City of Huntsville in said County to license, regulate, and control the sale of alcoholic beverages within the corporate limits and the police jurisdiction thereof; to provide that the Council or other governing body of the City of Huntsville, in Madison County, shall have the power to suspend or revoke any retail liquor or malt or brewed beverage license issued by said city; to provide for the reclassification of existing retail malt and brewed beverages and retail liquor licenses; to provide that nothing herein shall relieve any licensee from complying with all of the laws of the State of Alabama and the rules and regulations of the Alcoholic Beverage Control Board of the State of Alabama pertaining to said licensee; to provide that licensees have all required food handling permits from the Madison County Department of Public Health; to provide for the revocation and suspension of licenses for certain violations; to regulate the hours of retail liquor and retail malt or brewed beverage establishments within said County; to provide for the prompt reporting of all assaults, assault and batteries, affrays, and other altercations occurring upon licensed premises.

Also:

H. 290. To amend further the title and Section 1 of Act No. 394, H. 828, Regular Session 1961 (Acts 1961, p. 406), as amended, so as to further provide for deputies and assistants to the sheriff of Lee County; giving this act retroactive effect.

Also:

H. 346. Relating to counties having a population of not less than 12,700 nor more than 13,100 according to the most recent federal decennial census; to provide for an expense allowance for members of the board of education; to provide that said allowance shall be the only form of compensation for said members and to repeal all conflicting statutes.

Also:

H. 347. To amend Sections 2 and 4 of Act No. 354, H. 1051, 1973 Regular Session (Acts of 1973, p. 490) entitled "An Act Relating to counties having a population of not less than 12,700 and not more than 13,100 according to the most recent federal decennial census; to provide for the compensation and certain expenses of the register of the circuit court in any such county, payable from county funds; and providing for certain other duties of such register," so as to provide further for an expense allowance for the register.

Also:

H. 1001. Relating to the circuit judge in every judicial circuit composed of one county, having but one circuit judge, with a population of not less than 27,000 nor more than 27,900, authorizing an expense



allowance for the circuit judge; and repealing Act No. 1467, S. 1001, 1971 Regular Session (Acts of 1971, p. 2510) entitled, "An Act relating to the office of the circuit judge in every judicial circuit composed of one county, having but one circuit judge with a population of not less than 27,000 nor more than 27,900, authorizing an expense allowance for the circuit judge."

Also:

H. 1003. Relating to the official court reporter in every judicial circuit, composed of one county with a population of not less than 27,000 nor more than 27,900, so as to authorize an expense allowance for the court reporter.

Also:

H. 1266. To authorize certain savings and loan associations to establish a branch or branches in certain parts of Chambers County, Alabama.

Also:

H. 1304. Relating to counties having a population of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census; to provide for an additional expense allowance for the county superintendent of education.

Also:

H. 637. To amend Act No. 639 of the Regular Session of the Legislature of Alabama of 1973 (Acts, 1973, pages 946-948), which Act levied an additional pistol permit fee in counties having a population of 500,000 or more, according to the last or any subsequent federal decennial census and established a Sheriff's Fund and a Legislative Fund, so as to provide for the appropriation by the county governing body of said funds.

Also:

H. 384. Pursuant to provisions of Section 155, Article VI of the Constitution of Alabama as amended (Section 6.16 of Amendment CCCXXVIII, proclaimed December 27, 1973), this bill creates and provides for Supernumerary-Retired Probate Judges in counties having a population of 600,000 and over, according to the last or any subsequent federal census, similar to and equal with provisions of law for Circuit Judges in such counties, and provides for continuation of service; creates and establishes the Probate Judges Retirement Fund in such counties for the purpose of providing for the payment of retirement and disability benefits for such judicial officers; prescribing the qualifications, term, duties, powers, authority, compensation and benefits of any such county Supernumerary-Retired Probate Judge of such counties; providing for payment of contributions into such fund by any eligible probate judge and for payments out of the county general fund or from fees and commissions collected by the probate court and paid into the county general fund. It provides for carrying out the provisions of this Act, and regulates the administration and supervision thereof.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the bill:

H. 786. To provide that the employees of any city having a population of not less than 175,000 nor more than 275,000 according to the most recent federal decennial census, may by election designate a bargaining agent to represent them in respect to the wages the city employing them shall pay them and in respect to other conditions of employment; to provide for calling and conducting elections to certify a bargaining agent and elections to decertify a bargaining agent; to authorize the director of labor of the State of Alabama to establish rules and regulations governing the call of, notice of, and conduct of such elections; to provide for collective bargaining proceedings to be instituted by the bargaining agent or the officer or body empowered to establish wages for the employees; to provide for compulsory arbitration; to provide for the appointment of arbitrators and define their jurisdiction and authority; to provide that the arbitrators' decisions shall be binding upon all parties; to provide for the enforcement of such decisions by the circuit court; to provide that it shall be unlawful for an employee to strike or engage in any work stoppage or slowdown; and that it shall be unlawful for any bargaining agent, or any officer or body empowered to establish wages for employees to fail to bargain in good faith, in accordance with this act, or to fail to carry out any decision rendered by the arbitrators; to provide penalties for any person violating this act; and to repeal all laws or parts of laws, whether general, special or local, in conflict with this act.

and requests a Committee on Conference.

And the Speaker of the House has appointed as the Conferees on the part of the House Messrs. Malone, Cooper and Callahan.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Perloff, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 786, the title of which is set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (S), Mims, Noonan, Pearson, Perloff, Powell, Roberts, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

*Nays:*

—0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Messrs. Noonan, Roberts and Perloff.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 138. To require every person using, operating or driving a motor vehicle upon or over the roads and highways of the State of Alabama to bring said motor vehicle to a complete stop when approaching a church bus, or other vehicle used in transporting persons to and from church, while said church bus or other vehicle used in transporting persons to and from church is engaged in taking on or discharging passengers and prescribing the penalty for violating the provisions of this act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

*Yeas:*

Messrs. Adams, Edwards, Ellis, Flipppo, Givhan, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Pearson, Perloff, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—23

*Nays:*

—0

The Bill:

S. 771. To establish in the Alabama State Board of Health a program for the care of persons suffering from chronic renal diseases, designating powers and duties in relation thereto, and making an appropriation therefor.

was read a third time at length and lost due to lack of a quorum.

Yeas 17; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Flipppo, Foshee, Givhan, Jones, King, Littleton, Mitchell, Owen, Pearson, St. John, Torbert, Vacca, Wilson.

—17

*Nays:*

—0

The Bill:

S. 772. To provide for a treatment program for persons suffering from hemophilia and related diseases, and the administration therefor.

was taken up.

Mr. Fine offered the following substitute for the Bill, S. B. 772, to-wit:

## SUBSTITUTE FOR S. B. 772

A BILL  
TO BE ENTITLED  
AN ACT

To provide for a treatment program for persons suffering from hemophilia and related diseases, and the administration thereof; and appropriating \$300,000 from the Special Education Trust Fund for the purposes of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Legislative declaration. In order to foster the health, welfare, and safety of the people of this state, and to facilitate the research and treatment of hemophilia and related diseases, it is hereby declared to be the policy of this state to achieve the maximum practical degree of care and treatment for persons suffering from hemophilia and other related diseases:

Section 2. Definitions. As used in this act, unless the context otherwise requires:

(a) "Committee" means the hemophilia advisory committee.

(b) "Hemophilia" means a bleeding disorder resulting from a genetically determined deficiency factor in the blood, or hereditarily resulting in an abnormal or deficient plasma procoagulant.

Section 3. Treatment Program—Committee established. (a) There is hereby established the Hemophilia Treatment Program in Alabama to be administered by the Division of Vocational Rehabilitation-Crippled Children's Service of the Department of Education. Such treatment program shall use the existing facilities and staff of the Division of Vocational Rehabilitation and Crippled Children's Service as required, for the care and treatment of persons suffering from hemophilia. The Hemophilia Treatment Program shall assist those persons who require continuing treatment with blood, blood derivatives, or a manufactured pharmaceutical product to avoid crippling, hospitalization, or other affects associated with hemophilia, but who are unable to pay for the entire cost of such services on a continuing basis, despite the existence of various types of hospital and medical insurance, medicare, medicaid, other government assistance programs, and private charitable assistance.

(b) The Director of the Division of Vocational Rehabilitation and Crippled Children's Service shall appoint a committee to consult with the Division of Vocational Rehabilitation and Crippled Children's Service in the administration of this section. The committee shall be composed of no more than twelve members representing hospitals, voluntary agencies interested in hemophilia, medical specialists in hemophilia patient care, representatives of adult hemophiliacs and parents of hemophiliacs, and the general public; but no group shall have more than four members on the committee. Each member of the committee shall hold office for a term of four years or until his successor is appointed and qualified; except that of those members initially appointed, two shall be appointed for one-year terms, three shall be appointed for two-year terms, three shall be appointed for three-year terms, and three shall be appointed for four-year terms. Any vacancy occurring on the committee shall be filled by appointment by the Division Director for the unexpired term. The committee shall meet at

least annually, and at such other times as the chairman or a majority of members deem necessary. Members of the committee shall receive no compensation but shall be reimbursed, upon proper documentation, for their actual and necessary expenses incurred in the performance of their official duties.

Section 4. Duties of the Division of Vocational Rehabilitation and Crippled Children's Service. It is the duty of the Division of Vocational Rehabilitation and Crippled Children's Service with the advise of the committee to:

(a) Develop standards for determining eligibility for care and treatment under this act;

(b) Assist in the development and expansion of programs for the care and treatment of persons suffering from hemophilia and related diseases, including home care and medical and dental procedures designed to provide maximum control over bleeding;

(c) Extend financial assistance to persons suffering from hemophilia for the purpose of obtaining blood, blood derivatives and concentrates, and other efficacious agents for use in hospital, medical, and dental facilities, and in the home;

(d) Institute and carry on community educational programs for the detection of hemophilia and for the counseling of individuals and families;

(e) Conduct educational programs for physicians, dentists, hospitals, regional health departments, and the public concerning the methods of care and treatment for persons suffering from hemophilia.

Section 5. Appropriation. It is hereby appropriated out of the Special Education Trust Fund in the state treasury, to the Division of Vocational Rehabilitation and Crippled Children's Service for the fiscal year ending September 30, 1976 the sum of three hundred thousand dollars (\$300,000) for the implementation of this act.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this act are hereby repealed.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 32; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

*Nays:*

—0

And said Bill, S. B. 772, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 31; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

—31

*Nays:*

—0

On motion of Mr. Edwards, unanimous consent was granted to add the names of

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop and Wilson, as co-sponsors of the above Bill.

The Bill:

S. 177. Relating to public health; requiring food handlers to have health certificates, prohibiting the employment of persons having infectious or contagious diseases as food handlers; requiring county health officers in each county to administer this act, and granting certain authority to county boards of health; prescribing penalties for violations.

was taken up.

The Standing Committee on Health and Welfare reported the following substitute for the Bill, S. B. 177, to-wit:

#### COMMITTEE SUBSTITUTE FOR S. B. 177

#### A BILL TO BE ENTITLED AN ACT

Relating to public health; requiring food handlers to have health certificates, prohibiting the employment of persons having infectious or contagious diseases as food handlers; requiring county health officers in each county to administer this act, and granting certain authority to county boards of health; prescribing penalties for violations.

Be It Enacted by the Legislature of Alabama:

Section 1. No person or organization shall operate a cafe, cafeteria, restaurant, private club, snack bar, sandwich shop, bakery, meat market, dairy and milk plant or other public dining facility or place where food for human consumption is prepared, served or distributed unless such person or organization complies with the provisions of this act. No such person or organization shall employ or permit any person including a proprietor or

managerial employee to handle food, food containers or implements used in the preparation, serving or dispensing of food in any such establishment unless such employee shall have in his possession at the time of his employment a health card signed by a public health officer or licensed physician of this state showing that he is free from tuberculosis and other contagious and infectious diseases. Such card, which shall remain in the possession of the person to whom issued, shall be dated not less than one year prior to the date he commences to operate or to work in any such food handling establishment. Each such operator or employee shall thereafter have a chest X-ray or tubercular screen test made at the county board of health or by a licensed physician at least once during each twelve month period while he continues to operate or to be employed in such business. If such person is found to be free of tuberculosis, the county health officer or physician shall issue to him a signed and dated certificate showing that he is free from tuberculosis. Any employee or operator found to have tuberculosis or failing or refusing to take the tests required shall be immediately dismissed by his employer, and any self-employed person operating such a food handling business who is found to have tuberculosis shall immediately cease all physical or personal operation of such business.

Section 2. Any employer or any such self-employed person herein referred to who violates the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined one hundred dollars (\$100) for the first offense and five hundred dollars (\$500) for any subsequent offense.

Section 3. It shall be the duty of the county health officer in each county to administer this act, and authorized personnel of the several county boards of health shall have access to all buildings and facilities where such food handling businesses are conducted and they shall make such inquiries and inspections as may be necessary to carry out the provisions of this act.

Section 4. The provisions of this act are supplemental to all other public health laws of this state, but all laws and parts of laws in direct conflict herewith are hereby repealed; provided however, that none of the provisions of this act shall be construed to affect, supercede, or repeal any local laws dealing with the regulation of food handlers.

Section 5. This act shall become effective on the first day of the second month next following the date of its enactment.

Mr. Bank offered the following amendment to the substitute for the Bill, S. B. 177, to-wit:

#### AMENDMENT TO SUBSTITUTE FOR S. B. 177

Amend Senate Bill No. 177 Page 2 Line 9, by striking out all words after the word "issued" to the beginning of the next sentence.

Which was adopted.

And said substitute, as thus amended, for the Bill, S. B. 177, was then adopted by the Senate.

Yeas 24; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Givhan, Jones, King,

Littleton, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Vacca.

—24

*Nays:*

—0

And said Bill, S. B. 177, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Givhan, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Stewart, Vacca, Waldrop.

—28

*Nays:*

—0

#### RESOLUTION

Messrs. McDonald (A), King and Baker offered the following Senate Joint Resolution, to-wit:

S. J. R. 125. NAMING THE OVERPASS BRIDGE AT BOB WALLACE AVENUE IN HUNTSVILLE, ALABAMA THE "DISABLED AMERICAN VETERANS BRIDGE."

WHEREAS, this Legislature desires to honor the disabled American veterans of foreign wars; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the overpass bridge in Huntsville, Alabama located at the intersection of Memorial Parkway and Bob Wallace Avenue be named the "Disabled American Veterans Bridge."

On motion of Mr. McDonald (A), the Rules were suspended and the Resolution was adopted by the Senate.

#### BILLS ON THIRD READING RESUMED

*The Bill:*

H. 753. To amend Section 6 of Act No. 48, H. 413, Regular Session 1973 (Acts 1973, p. 76) regulating the employment of all legislative employees so as to provide for the employment of one additional page for each house to be appointed upon recommendation of the Department of Youth Services.

was taken up.

The Standing Committee on State Government reported the following substitute for the Bill, H. B. 753, to-wit:



## COMMITTEE SUBSTITUTE FOR H. B. 753

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 6 of Act No. 48, H. 413, Regular Session 1973 (Acts 1973, p. 76) regulating the employment of all legislative employees so as to provide for the employment of one additional page for each house to be appointed upon recommendation of the Department of Youth Services.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 6 of Act No. 48, H. 413, Regular Session 1973 (Acts 1973, p. 76) is hereby amended to read as follows:

“Section 6. (a) While the Legislature is in session, and subject to regulation by the members of the Legislative Council of the House of Representatives and the elected members of the Legislative Council of the State of Alabama, there may be employed not more than the following personnel, in addition to the above described full-time employees; and also in addition to those employees assigned to the offices of the presiding officer of the respective house.

(1) For the Senate:

8 Supervisor employees;  
47 Secretarial employees;  
12 General employees;  
3 Doorkeepers;  
4 Custodial employees;  
17 Pages.

(2) For the House of Representatives:

8 Supervisory employees;  
70 Secretarial employees;  
27 General employees;  
6 Doorkeepers;  
4 Custodial employees;  
31 Pages.

Of the above employees, one page in each house shall be appointed upon recommendation of the Department of Youth Services.

“(b) The compensation of employees who are employed while the legislature is in session shall be not more than the amount hereinafter prescribed, payable as the salaries of other state employees are paid. The exact amount of the compensation for each category of employees shall be fixed by the members of the Legislative Council of the House of Representatives and the elected members of the Legislative Council of the Senate of the State of Alabama with the advice of the Secretary of the Senate and the Clerk of the House of Representatives with respect to their respective employees. Such compensation shall be as follows:

Supervisory employees not more than \$500.00 bi-weekly

Secretarial employees not more than \$450.00 bi-weekly

General employees not more than \$350.00 bi-weekly

Doorkeepers not more than \$250.00 bi-weekly

Custodial employees not more than \$300.00 bi-weekly

Pages not more than \$90.00 bi-weekly.

Provided, however, that nothing herein shall prevent the fixing of differing rates of compensation for individual employees within the same classification.

“(c) The Secretary of the Senate and the Clerk of the House of Representatives are authorized to retain for a period of not to exceed twelve weeks following the close of a Regular or Special Session of the Legislature such employees as are required for the purpose of checking, comparing, completing and filing the journals of their respective houses in the office of the Secretary of State; but the total number of employees so retained after a session ceases shall not exceed 30 employees, in addition to those permanently employed, for the Senate and 36 employees, in addition to those permanently employed, for the House of Representatives.

“(d) Until such time as the members of the Legislative Council of the House of Representatives and the elected members of the Legislative Council of the Senate of the State of Alabama shall fix the exact number of employees which may be employed by each House and their exact rate of compensation, the number of authorized employees and their rate or rates of compensation shall be that previously fixed by legislative act or resolution as of May 1, 1973.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Givhan, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop.

—30

*Nays:*

—0

And said Bill, H. B. 753, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 26; Nays 0.

*Yeas:*

Messrs. Adams, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Givhan, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Owen,

Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Waldrop.

—26

*Nays:*

—0

The Bill:

S. 1097. To amend Sections 6, 15, 16, 17 and 18 of Act No. 183 enacted at the 1975 Third Special Session of the Legislature of Alabama so as to make different provision for the first term of office of any directors of any hospital authority organized under said Act who are elected by the Central Labor Council; so as to delete the reference in said Act to the University of Alabama; so as to prohibit any employee of any such hospital authority or any hospital or other institution operated by it and any employee of certain other hospital or health care institutions from being a director of any such hospital authority; so as to provide, with respect to governmental immunity, that such hospital authorities may be sued in civil actions ex delicto to the same extent as county hospital boards organized under Act No. 46 (1949 Regular Session), as amended; so as to revise the provisions of said Act relating to the applicability of the rules and regulations of the State Ethics Commission and to provide that the provisions of Act No. 130 (1975 Regular Session) shall apply to the members of the Board of Directors of any such hospital authority to the same extent as to the boards or other similar governing bodies of similar local agencies whose members are elected or appointed by county or municipal governing bodies rather than by the electorate; so as to delete the requirement that all purchases, sales and contracts of such hospital authorities be administered in full compliance with Chapters 22 to 24, inclusive of Title 55 of the Code of Alabama of 1940, and to provide, in lieu thereof, that the provisions of Act No. 217 (1967 Regular Session), as amended, shall apply to such hospital authorities to the same extent as to other local governmental agencies specifically mentioned therein and that the provisions of Act No. 314 (1969 Regular Session) relating to insurance on public building contracts or public construction contracts shall be applicable to all such hospital authorities; and so as to revise the provisions of said Act requiring the publication of annual financial statements.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Fine, Flipppo, Gilmore, Givhan, Jones, King, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Wilson.

—24

*Nays:*

—0

The Bill:

H. 59. To amend Section 333, Title 52, Code of Alabama, which provides for the charging of an application fee for teachers' certificates and earmarks the use of said fees; and further provides for the repeal of Section

350 of the same title which provides for the disposition of fees paid by the applicants for teachers' certificates.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (S), Mitchell, Noonan, Owen, Powell, Roberts, St. John, Stewart, Torbert, Vacca.

—25

*Nays:*

—0

The Bill:

S. 1018. Relating to elections; to define "primary elections"; to provide party may choose to come under law; to define "political party"; to define the term "total vote"; to provide which elections are within the law; to provide for the date of elections; allows party to elect convention delegates by presidential preferential primary; to provide for party committees and their election; to provide for payment of expenses of primary elections; to provide method of filing declaration of candidacy and require party chairman to certify such candidates; to require candidates to be eligible to hold office; to provide for public notice to election; to establish who may vote in primary; to provide for method of registering voters by political party preference and requiring all voters in future primaries to be registered as a member of respective party; to provide for method of changing party registration; to allow parties to assess fees against candidates; to allow candidates to nominate election officers and provides for oath of said officers; to provide for official ballots and election stationery; to provide for ballot boxes and voting machines to be used; to provide official form of ballot; provides method of challenging voters; to provide regulations for handling challenged ballots; to provide methods of casting votes; to provide for poll watchers; to provide for assistance to voters unable to read English; to provide duties of sheriff; to provide time of counting ballots; to provide for disposition of ballots, lists and supplies; to require public proclamation of the result; to provide for tabulation and declaration of results by precinct; to provide for declaration of candidate or nominee; to provide for date of second primary; to provide for breaking tie votes; to provide for certification of nominees to probate judge; to provide for filling vacancies in nominations; to provide for method, time and place of mass meetings; to provide penalties for violation of mass meeting law; and to repeal Code of Alabama 1940, Title 17, Chapter 2.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 1018, to-wit:

#### COMMITTEE SUBSTITUTE FOR S. B. 1018

#### A BILL TO BE ENTITLED AN ACT

Relating to elections; to define "primary elections"; to provide party

may choose to come under law; to define "political party"; to define the term "total vote"; to provide which elections are within the law; to provide for the date of elections; allows party to elect convention delegates by presidential preferential primary; to provide for party committees and their election; to provide for payment of expenses of primary elections; to provide method of filing declaration of candidacy and require party chairman to certify such candidates; to require candidates to be eligible to hold office; to provide for public notice to election; to establish who may vote in primary; to provide for method of registering voters by political party preference and requiring all voters in future primaries to be registered as a member of respective party; to provide for method of changing party registration; to allow parties to assess fees against candidates; to allow candidates to nominate election officers and provides for oath of said officers; to provide for official ballots and election stationery; to provide for ballot boxes and voting machines to be used; to provide official form of ballot; provides method of challenging voters; to provide regulations for handling challenged ballots; to provide methods of casting votes; to provide for poll watchers; to provide for assistance to voters unable to read English; to provide duties of sheriff; to provide time of counting ballots; to provide for disposition of ballots, lists and supplies; to require public proclamation of the result; to provide for tabulation and declaration of results by precinct; to provide for declaration of candidate or nominee; to provide for date of second primary; to provide for breaking tie votes; to provide for certification of nominees to probate judge; to provide for filling vacancies in nominations; to provide for method, time and place of mass meetings; to provide penalties for violation of mass meeting law; and to repeal Code of Alabama 1940, Title 17, Chapter 2.

Be It Enacted by the Legislature of Alabama:

Section 1. A primary election, within the meaning of this Act, is an election held by the qualified voters, who are members of any political party, for the purpose of nominating a candidate or candidates of public or party office. Primary elections are not compulsory. A political party may, by its state executive committee, elect whether it will come under the primary election law. All political parties are presumed to have accepted and come under the provisions of the primary election law, but any political party may signify its election not to accept and come under the primary election law by filing with the secretary of state, at least sixty days before the date herein fixed for the holding of any general primary election, a statement of action of its state executive committee, certified by its chairman and secretary, which statement shall contain a copy of the resolution or motion adopted declining to accept and come under the primary election law. If a political party declines to accept and come under the primary election law it shall not change its action and accept and come under the primary election law until the next general election held thereafter. The governing body of a political party may determine from time to time what party officers shall be elected in the primary; provided, candidates for all party offices shall be elected under the provisions of this Act unless the method of their election is otherwise directed by the governing body of the party involved.

Section 2. An assemblage or organization of electors which, at the general election for state and county officers then next preceding the primary, cast more than twenty percent of the entire vote cast in any county is hereby declared to be a political party within the meaning of this Act within such county; and an assemblage or organization of electors

which, at the general election for state officers then next preceding the primary, cast more than twenty percent of the entire vote cast in the state, is hereby declared to be a political party within the meaning of this Act for such state.

Section 3. In determining the total vote of a political party whenever required by this Act the test shall be the total vote received by a candidate of that party who received the highest vote total of any of the candidates of that party.

Section 4. All primary elections hereafter held by any political party in this state for the nomination of any state, national, district, circuit, county or municipal officers, shall be held and conducted under the provisions of this Act, and, except as herein modified, shall be held and conducted in the same manner and form, and under the same requirements, and subject to the same forfeitures, penalties and punishments, as are now or shall hereafter be provided by law for the holding of regular state elections, but nothing herein contained shall make it obligatory upon any political party or parties to hold a primary election.

Section 5. If any primary election, except special primary elections, is held at the expense of the state or counties, the same shall be held on the first Tuesday after the first Monday in September. When necessary, as hereinafter provided, a second or runoff primary election shall be held on the third Tuesday next thereafter following said primary election. The second primary shall be held by the same election officers who held the first primary, and be held at the same places as the first primary election. No primary shall be held by any political party except as herein provided. Primary elections herein provided for shall be held at the regular polling places established for the purpose of holding general elections.

Section 6. Political parties may provide for the selection of delegates to national conventions by the holding of a presidential preference primary or by popular election of the delegates or otherwise. In the event a presidential preference primary is called by the governing body of any party, notice of such action shall be given to the Secretary of State as part of the notice required by Section 12 of this Act. Said notice shall prescribe the procedure for the listing of the names of presidential candidates on the primary ballot and for the selection of delegates pledged under party rules to vote for the respective presidential candidates. A presidential preference primary, when called, will appear in the first or top position on the primary ballot.

When no presidential preference primary is to be utilized, delegates may be elected in the primary election in the same manner as other party officers except that, subject to such rules and procedures as the respective political parties may adopt, delegate candidates may be permitted to list opposite his or her name on the primary ballot the name of the presidential candidate to whom he or she is pledged or the word "uncommitted". When delegates are to be so elected the candidates for such position or positions shall appear in the first or top position on the primary ballot.

Section 7. There may be provided a committee of each party for the state and each political subdivision of the state, including counties, said committees to be selected in such manner as may be provided for by the governing authority of each party, but if there shall not be elected or chosen any committee for any county or other political subdivision, then all the powers which could be exercised by any such committee shall be

vested in the state executive committee, under such rules and regulations as the governing body of the party may designate, or the state committee or the chairman thereof may appoint a county committee to act until such a committee is elected or chosen as provided by law or party rule. When a state executive committee of a party is provided said state executive committee shall be the governing body of the party within the meaning of this Article, except that it shall have the authority to delegate to county executive committees authority over the conduct of party affairs within the respective counties including authority over the conduct of primary elections within the respective counties.

Section 8. The state or county executive committee of any political party may, by a majority vote of said committee, require that members of said committee be elected by the qualified electors of such political party. If such committee adopts an appropriate resolution requiring that such members be so elected, such election shall be held on the same ballot as the gubernatorial primary election. When members of county or state executive committees are to be elected in a primary their declarations of candidacy shall be filed in the same manner and within the same time as candidates for nomination for public office.

Section 9. The compensation of officers and other expenses of any and all primary elections, general or special, held under the provisions of this Act shall be paid in the same manner and to the same extent as is or may be provided by law for the payment of the expenses and officers of general elections held under the general election laws of Alabama, and to be paid out of the county treasury in same manner.

Section 10. All candidates for nomination to public office or for election to party office in the primary provided for in this Act shall file their declaration of candidacy with the state party chairman if they seek any office other than a county office (including federal, state, circuit, and district offices, the State Senate and House of Representatives), and with the county party chairman if they seek a county office, not later than 5 p. m. 46 days before the date of such primary.

The state party chairman shall, no later than 5 p. m. 39 days before the primary certify the names of all primary candidates except candidates for county offices, to the Secretary of State. The county party chairman shall, not later than 5 p. m. 39 days prior to the date of the primary election, certify to the probate judge the names of all candidates for nomination to county offices or election to county party offices. The Secretary of State shall, not less than 29 days prior to the date of the primary election, certify to the probate judge of every county in which the election is to be held the names of the opposed candidates for nomination to federal, state, circuits, or district offices, the State Senate and House of Representatives, and all other opposed candidates to public or party office, except candidates for county offices. The probate judge of each county shall have the ballots prepared for the primary election. If a legally qualified candidate for nomination to an office is unopposed when the last date for filing declarations of candidacy has passed, his name shall not appear on the ballots to be used in the primary election, and he shall be the nominee of the party with which he has qualified for the office. If a legally qualified candidate for election to a party office is unopposed when the last date for filing declarations of candidacy has passed, his name shall not appear on the ballots to be used in the primary election, and he shall be declared elected to the party office for which he qualified.

Section 11. The name of no candidate shall be printed upon any official ballot used at any primary election unless such person is legally qualified to hold the office for which he is a candidate, and unless he is eligible to vote in the primary election in which he seeks to be a candidate and possesses the political qualifications prescribed by the governing body of his political party.

Section 12. When it shall be described by the governing body of any political party to enter the primary election ordered to be held under the provisions of this chapter, said governing body for the state shall give public notice thereof by filing a copy of the resolution of such governing body with the Secretary of State of Alabama. Such notice may be given to the Secretary of State by the chairman of the county executive committee where the primary election affects only one county, and a copy of such notice shall be filed with the probate judge of such county.

Section 13. All persons who are qualified electors under the general laws of the State of Alabama, and who are also members of a political party entitled to participate in such primary election, and are registered as such, shall be entitled to vote therein and shall receive the official primary ballot of that political party, and no other; but every governing body of a party shall have the right, power and authority to fix and prescribe the political or other qualifications of its own members, and shall, in its own way, declare and determine who shall be entitled and qualified to vote in such primary election, or to be candidates therein, or to otherwise participate in such political parties and primaries; and the qualifications of electors entitled to vote in such primary election shall not necessarily be the same as the qualifications for electors entitled to become candidates therein; provided, that nothing herein contained shall be so construed as to prohibit any state executive committee of a party from fixing such qualifications, as it may deem necessary, for persons desiring to become candidates for nomination to offices at a primary election.

Section 14. In the 1976 and 1978 primary elections held hereunder, registration by party shall be accomplished by the voter declaring in writing to the appropriate election official his party preference in order to vote. When the election official checks the list of registered votes, such official shall record next to the name of the voter his party preference, and such voter shall be informed that by indicating his preference he is certifying that he is a member of that party, has been a member of such party for at least 30 days, that he is qualified under the rules of such party to vote in its primary elections, and that he is registering as a member of that party, which registration shall continue unless changed by the voter as provided below. Upon completion of the primary, the election officials of each box, ward, precinct, or district, shall turn in to the Board of Registrars the list of voters with indicated party preference thereon. The Registrars shall then and thenceforth keep, in addition to the poll lists required by law, separate lists of the registered members of each statewide political party which has elected to hold a primary election, and upon each new registration of a voter shall inquire as to whether such applicant wishes to register as a member of a statewide political party, and, if so, shall add such new voter's name to the list of registered party members.

Section 15. Any registered party member may change his party registration, or drop any party registration altogether, by appearing before the official authorized to register voters in person at least 30 days prior to the primary provided for herein.



Section 16. No voter will be allowed to vote in any primary held after November, 1978, unless he has registered as a member of a political party holding such primary at least 30 days prior to the date of such primary, nor shall any candidate for nomination be certified to the probate judge or Secretary of State, as the case may be, unless such candidate was a registered member of the party whose nomination he seeks not later than 39 days prior to the date of the primary election.

Section 17. The governing body of a party may fix assessments upon those able to pay, or other qualifications, as it may deem necessary, for persons desiring to become candidates for nomination to offices at a primary election, but such assessments shall not exceed two percent of the first year's salary of the office sought, or the sum of \$500.00, whichever is lesser, and for an unremunerative or party county office or an unremunerative or party office to be filed by a vote of a subdivision greater than one county it shall not exceed Fifty Dollars or One Hundred and Fifty Dollars for an unremunerative or party office to be filled by a vote of the entire state.

Section 18. Each candidate for nomination may at least twenty-five days before the primary, present to the county executive committee of his party a list of election officers desired by him for any one or more of the districts, wards or precincts, and his county committee shall, so far as practicable, make up, from the list so presented to it, a list of names of election officers, six in number, for each district, ward or precinct, which it will nominate to the appointing board of the county for appointment as officers to conduct the primary election and the county committee shall present the list so made up by it to the appointing board of the county, which appoints the election officers to conduct elections for state and county officers in November, or at any other lawful time, which appointing board from the list so presented to it by the county committee shall if there be on said list the names of sufficient persons who are legally eligible select and appoint the officers to conduct the primary election, observing the above rule as to representation wherever more than one party enters the primary and in the latter case if a county committee has not given a sufficient number of names for a box; then the appointing board shall supply the deficiency from electors of that party. In the event the persons selected as officers fail to appear at the polling place on the day of the primary election at least one hour before the polls are scheduled to open then their places shall be filled by such of those who have been named by such appointing board, as do appear; and in the event none so named appear by then the voters present qualified to participate in such primary election may, from among themselves, select officers to conduct such election in such district or precinct, and such substituted persons, shall have the authority to conduct such elections, and to be paid for their services in the same manner as if they had been originally appointed. All officers serving in such primary elections shall take the same oath required to be taken by officers of regular state elections, which oath may be administered by any person authorized by law to administer oaths, or by any one of the inspectors. The officers of all primary elections held under provisions of this chapter shall have the same power and privileges as officers of regular state elections, and shall be subject to the same restrictions, limitations, penalties and conditions.

Section 19. Separate official ballots and other election stationery and supplies for each political party shall be printed and furnished for use at each election district or precinct, and shall be of a different color for each

of the political parties participating in such primary election. All ballots for the same political party shall be alike, except as herein otherwise provided, printed in plain type, and upon paper so thick that the printing cannot be distinguished from the back. Across the top of the ballot shall be printed the party's emblem, if any, and the words, "Official Primary Election Ballot". Beneath this heading shall be printed the year in which said election is held and the words "Democratic Party" or "Republican Party" or other proper party designation. Each group of candidates to be voted on shall be preceded by the designation of the office for which the candidates seek nomination, and in the proper place shall be printed the words, "Vote for one," or "Vote for two," (or more) according to the number to be elected to such office at the ensuing election. At the bottom of the ballot and after the name of the last candidate shall be printed the following, viz.: "By casting this ballot I do pledge myself to abide by the result of this primary election and to aid and support all the nominees thereof in the ensuing general election." Should any voter scratch out, deface or in any way mutilate or change the pledge printed on the ballot; he shall not be considered or held to have repudiated or to have refused to take the pledge, but shall, conclusively, be presumed and held to have scratched out, defaced, or mutilated or changed same for the sole purpose of identifying his ballot; and accordingly such ballot shall be marked "Spoiled Ballot" and shall not be counted.

Section 20. Where more than one political party has entered such primary it shall be the duty of the county governing body to furnish to the election officers of each voting place separate ballot boxes or voting machines with separate rows or columns for each party participating in such primary. Ballot boxes shall be distinctly marked and the ballots of electors of each party shall be deposited in the box assigned to and designated for that party. The returns, certificates, official list of voters, after the canvass of the votes, shall be deposited in the ballot box of the party to which they relate.

Section 21. The names of candidates for each office shall be listed on the ballot in alphabetical order by surname and the offices shall be listed in the following order:

President (if preference primary)

Delegate to National Convention

Governor

U. S. Senator

Lt. Governor

U. S. Representative

Attorney General

State Senator

State Representative

Supreme Court Justice

Court of Civil Appeals Judge

Court of Criminal Appeals Judge

Secretary of State

State Treasurer

State Auditor

Commissioner of Agriculture and Industries

Public Service Commissioner

State Board of Education Member

Circuit Court Judge

District Attorney

District Court Judge

Circuit Clerk

Other public officers (to be listed in the order prescribed by the probate judge)

Other party officers (to be listed in the order prescribed by the probate judge)

Section 22. Whenever and wherever candidates for two or more state offices of the same classification are to be nominated in said primary each of said places to be filled shall be numbered, and each candidate for such offices in the announcement of his candidacy shall designate the number of the office for which he is a candidate; the same person shall not be a candidate or be permitted to file his declaration for more than one of such places; provided no ballot shall be counted for any candidate except for the place and number for which he announced in his declaration filed with the legally constituted authorities to receive and file declaration of candidacy.

Section 23. The judge of probate of each county is hereby required to furnish to the officers of the 1976 primary election a copy of the official list of voters of each precinct or district in his county, of the same kind and in the same manner as he is required by law to furnish such list to the officers at any general state election, and he shall furnish as many of said lists as there are political parties participating in said primary. At each primary thereafter, the judge of probate is required to furnish to the officers of the primary election a copy of the official list of registered party members of that party, supplied and compiled by the board of registrars of the county. The probate judge shall also furnish all necessary election supplies, including stamped addressed envelopes in which to mail certificate of results and other papers herein required to be forwarded. The probate judge shall deliver such election supplies and lists to the sheriff of the county not less than three days before the day of the election, and it shall be the duty of the sheriff to deliver the same, together with ballot boxes, to the officers of said election, at the place provided by law for holding said election, and not later than one hour before the polls are scheduled to open on said election day.

Section 24. If the name of a person desiring to vote in the primary of a party does not appear on the official list of registered party members of that party for said district, ward, or precinct, as furnished by the judge of probate, it shall be the duty of the inspectors to challenge such vote in the same manner as they are required to challenge voters in the general

elections whose names do not appear on the official list of voters, and, when challenged, such voter, before his ballot shall be received, shall be required to swear and subscribe to the same affidavit of qualification which is required of a voter challenged at a general election, and shall be required to swear and subscribe to an affidavit that he is a member of the party in whose primary he is attempting to vote, and shall also be required to produce the same kind of affidavit of identification as is required of a voter challenged at a general election, and the affidavit of identification must be sworn to and subscribed in like manner as required at general elections; provided, however, that wherever a person duly qualified in a district, ward, or precinct, presents to the inspectors a certificate, (dated subsequent to the date of publication by the probate judge of the list of qualified party members), signed by the probate judge, and under his seal or that of his court, that such person's name appears upon the lists of qualified party members entitled to vote in that primary, on file or record in his office, then such applicant may be allowed to vote without any challenge made upon the above ground.

Section 25. All challenged votes shall be marked "challenged" on the back thereof by one of the inspectors and with a number corresponding to the number opposite the name of the challenged voter as it appears on the official list of the registered party members for such election. If the name of such challenged voter does not appear on the official list of registered party members for its primary, one of the inspectors shall add such name to the official list of registered party members, and assign it its proper number on the list. All affidavits of challenged voters shall be taken in duplicate in the same manner as affidavits are taken of challenged voters in the general elections. One copy of such affidavits in reference to such challenged voters shall be returned with the votes in the ballot box of the party to which they pertain, and the other copy shall be mailed to the circuit solicitor to be presented by him to the next grand jury meeting in said county.

Section 26. The ballot of every voter shall be kept secret and inviolate. As the inspectors deposit the ballot, the name of the voter shall be checked off the official voting lists. One of the inspectors, as he hands out the ballot to the voter, shall initial the same on its back and before depositing it in the ballot box shall examine said ballot and see that it contains the identical initials aforesaid, and said ballot shall be numbered by one of the inspectors before being deposited in the ballot box and a corresponding number placed by the clerks on a record to be kept for that purpose by them, which records shall be enclosed in a separate envelope and sealed and directed to the chairman of the county executive committee, and delivered to him by the returning officer, and be kept by such chairman, and opened only as herein provided. In the event of a contest such sealed record of only the counties, districts, precincts, or wards concerned in the contests, shall be opened, and, when opened, may be used in evidence so far as necessary. Such chairman shall not open such sealed records except on proper demand, as provided for in this Act, or as permitted by law, or to make certified copies on such demand; and he shall not open them except in the presence of the trial committee. The seal of the ballots shall be removed or broken only as provided for in the provisions of law applicable to general elections. After the time allowed by law for filing contests, if no contest be filed, the chairman of the county executive committee shall destroy sealed records.

Section 27. A candidate who has qualified may have a single watcher in the polling place to be appointed by him in writing over his own

signature and the appointment shall be presented to and filed with the inspectors. A returning officer shall not be a watcher. A watcher shall not act as or be an election officer and shall not render assistance to anyone in preparing a ballot. The watcher may remain in the voting place from the opening of the polls until the box is sealed and delivered to the returning officer, and shall have a right to see and inspect the ballots as they are called off and see the tally as it is being made, and generally to watch the conduct of the election. Any watcher who shall violate any of the provisions of this chapter, and any person who shall pretend to be a watcher when he has not been appointed, and any person who shall impersonate a watcher, and any watcher who shall on election day either, directly or indirectly, electioneer or campaign with any of the electors or suggest how he shall vote shall be guilty of a misdemeanor, and on conviction shall be fined not less than One Hundred Dollars, nor more than One Thousand Dollars.

Section 28. If a qualified elector is unable to read the English language or is so physically disabled that he cannot cast his ballot, and requests assistance in preparing his ballot, the inspector shall swear him as to such disability, and thereupon said vote may have the assistance of any person he may select. Each elector in preparing his ballot shall prepare the same in the room or place where such election is being held, and not elsewhere.

Section 29. The sheriff of each county on the day of such primary election shall be present in person or by deputy at each election precinct or voting district where such elections are held.

Section 30. The sheriff shall also perform the duty of returning officer as in general election unless someone else has been named and designated as authorized by law. It shall be his duty or the duty of such returning officer as may be otherwise legally named and designated, as the case may be, to return and deliver to the chairman of the county executive committee of each of the political parties participating in the primary election, at the office of the Judge of Probate at the county seat, the ballot boxes and returns which have been delivered to him by the officers of said election, and such ballot boxes and returns shall not be allowed to leave his possession and must be returned by him to such chairman not later than Wednesday, 10:00 a.m., following said primary election. Each and all persons failing to perform any of the duties herein required shall be guilty of a misdemeanor.

Section 31. At the close of the primary election at each polling place, and nowhere else, the inspectors and clerks, shall proceed forthwith without adjournment, in the manner provided by law in the case of general elections, to count the vote.

Section 32. No ballot shall be counted until the polls are closed, and before counting any ballot or examining the same, one of the official lists of voters for each party participating in the primary which was furnished by the probate judge and the numbered poll list signed by the voters participating in the primary election shall be securely sealed in separate envelopes and each of the inspectors shall write his name across every fold at which the envelope is fastened could be opened. After the counting of the votes is finished, and certificates of the result have been prepared and signed, the inspectors shall seal up in a separate envelope all the ballots cast at such election, and shall put such ballots so sealed into the proper party ballot box, and shall also put into the ballot box one tally sheet and

one certificate of the results, and the ballot box with those contents in it shall be securely locked and sealed. The inspectors shall also, in an envelope, addressed to the chairman of the county executive committee or other governing body of each political party participating, seal up one certificate of the results, and one tally sheet, and such envelope with those contents in it, together with the proper party ballot box, shall thereupon be immediately delivered to the returning officer, who shall keep the same securely in his possession and by 10:00 a.m. Wednesday following the primary shall carry and deliver the box and envelope separately to the proper chairman of the county executive committees of the political parties participating in such primary, at the office of the probate judge of the county.

Section 33. After the result has been canvassed and declared by the county executive committee the chairman of such county committee shall securely keep the ballot box, until it is known that there will be no contest, but in any event, not less than thirty days, and if in that time no contest has been properly instituted, such chairman shall then destroy the contents of such box without examining the same; and such ballot box shall not be opened except in one or the other of the following events: First, in the event of a contest, where the opening of the box has been authorized under authority of the chairman of the executive committee trying the contest; and second, where a box has been returned but no certificate of the result of the election has been sent the chairman outside of the box, the box may be opened by the chairman of the county committee, under the direction and in the presence of the committee; and the committee for canvassing purposes may obtain the result at any particular district, ward or precinct, from the contents of the box, using the certificate of result contained therein, if any, or otherwise, so far as necessary in order to obtain it from the box; after which the papers shall be returned into the box and the box be resealed by the chairman in the presence of the committee.

Section 34. The counting of the ballots having been completed, the results shall be publicly proclaimed. Separate certificates for each of the political parties entering said primary and the results of said election shall be drawn up by said inspectors and clerks at each and every election district or precinct, which shall contain all matters and things provided for in the law regulating general elections. Said certificates shall be signed in triplicate by each of the inspectors; one copy of the same shall be forthwith posted in a conspicuous place at such polling place, one copy shall be deposited with or mailed to the chairman of the county executive committee of each of the political parties in the primary, at such place as the county executive committee of the county shall designate at which to receive such returns; and another copy shall be mailed to the chairman of the state executive committees of the political parties participating in said primary.

Section 35. The county executive committee of the party or parties participating in said primary election shall meet at the courthouse of their counties, not later than Wednesday, noon, next following said primary election, and receive said returns, canvass and tabulate the same, by precincts, and publicly declare the results thereof; and the chairman of each county executive committee shall forthwith, and not later than that day at noon, certify and return to the chairman of the state executive committee a statement and tabulation, by precincts, of the result of said primary election and of the number of votes received by each candidate therein for office, except candidates for county office, and not later than

noon on the Friday next following such primary election, the state executive committee, or such sub-committee thereof as may have been appointed by the chairman thereof for such purpose shall meet at the State Capitol in Montgomery and receive said returns and canvass and tabulate the same by counties, and publicly declare on that day the results thereof as to all candidates for office therein except candidates for county office, which results can be final.

Section 36. At the respective meetings of the respective executive committees, said county executive committee shall, as to candidates for county office in said primary elections, and said state executive committee shall, as to candidates in said primary election, for office, except candidates for county office, publicly ascertain, determine and declare: If any candidate for office in said primary election has received a majority of the votes cast for that office, and, if so, declare said candidate the nominee of the party for the office for which he was a candidate and for which he received a majority of the votes cast for that office in said primary election; if no candidate receive a majority of all of the votes cast in such primary election for any one office or offices for the nomination to which there were more than two candidates, then there shall be held a second primary election on the third Tuesday next thereafter following said primary election, and the chairman of the state executive committee shall certify to the secretary of state immediately upon the completion of such canvass as aforesaid, the names of the two candidates of his party to receive the highest number of votes in the first primary election for such office, or offices, except county officers, and who are to be voted for in the second primary election, and the chairman of each county executive committee shall immediately upon the completion of such canvass, certify to the probate judge of the county the names of the two candidates who received the highest number of votes in the first primary for nomination to any county office; and the Secretary of State shall, within not more than six days from the dates said certificate is received from the chairman of the state executive committee, certify to the probate judge, of any county where a second primary election is to be held the name or names of the candidates certified to him as herein provided by the chairman of the state executive committee; and the probate judge of each county in Alabama shall in manner and form as required by this chapter and the general laws of Alabama have prepared and printed all election supplies and all ballots to be voted in the second primary election, which ballots shall contain, under appropriate headings or titles of the offices to be filled, the names of the two candidates for each office so certified to him by the Secretary of State and the chairman of the county executive committee, as herein required as well as such other matters as are required by this chapter and the general laws of Alabama, on ballots for the first primary election. At the second primary election no one can be a candidate except the two persons who receive the highest number of votes for the offices for which they were candidates, in the first primary election. The returns from the second primary election shall be made and the notes canvassed, tabulated and certified and the results declared in the same manner herein provided for making, canvassing, tabulating, certifying and declaring the results of the first primary election. The county executive committee of the parties participating in said primary election shall meet at the courthouse of their respective counties not later than Wednesday next following the second primary election and receive said returns, canvass and tabulate the same by precincts, and publicly declare the results thereof, and the chairman of each county executive committee shall forthwith, and not later than that day noon certify and return to the chairman of the state executive

committee a statement and tabulation by precincts of the results of the second primary election and of the number of votes received by each candidate for office therein voted for, except candidates for county office and not later than noon on the Friday next following the second primary election the state executive committee, or such subcommittee thereof as may have been appointed by the chairman thereof for such purpose, shall meet at the State Capitol in Montgomery and receive said returns and canvass and tabulate the same by counties, and publicly declare on that day the result thereof as to all candidates voted for, except as to candidates for county office, which results shall be final and at said respective meetings of said respective executive committees, said county executive committee shall, as to candidates for county office voted for in the second primary election, and said state executive committee shall, as to candidates for office in the second primary election voted for therein, except candidates for county office, publicly ascertain and determine the candidates receiving a majority of all of the votes cast in such second primary election for any one office, and the candidates so ascertained and determined to have received a majority of all of the votes cast in such second primary election for said office shall be declared the nominee of the party for such office, by said respective county and state executive committees; and thereupon, and immediately upon the completion of such canvass as aforesaid, the chairman thereof shall certify to and file with the judge of probate of his county the names of those who have been nominated in the first or the second primary or as otherwise authorized or provided by this chapter, as candidates of his party for county offices, and in like manner, and immediately upon the completion of such canvass, as aforesaid by the state executive committee, or subcommittees thereof, the chairman of the state executive committee shall certify to and file with the secretary of the state the names of those who have been nominated in the first or second primary election or as otherwise authorized or provided by this chapter as candidates of his party for office, except candidates for county office, and the names of the persons so certified shall be placed, in accordance with Sections 40 and 47 hereof, upon the official ballot of the general election to be held in November next thereafter as the candidates of the party for the offices for which they, respectively, have been so nominated.

Section 37. In the event either of the two candidates receiving the highest number of votes in the first primary election shall determine not to enter the second primary election, herein provided for, he shall, as soon as possible and not less than ten days after the holding of the first primary election, certify his declination to enter such second primary election to the chairman of the state executive committee of his party, if the office is an office other than a county office, or to the chairman of the county executive committee of his party if the office is a county office, and upon the receipt of such notification the chairman of such committee shall declare the other candidate the nominee of the party for such office and certify his name as such nominee to the secretary of state or probate judge, as the case may require, and a second primary election for the nomination of a candidate for that particular office shall not be held.

Section 38. If a nominee for a single office is to be selected, with more than one candidate, then the majority of votes cast for said office in such election shall be ascertained by dividing the total vote cast for all candidates for said office by two, and any number of votes in excess of one-half of such total votes cast for all candidates for such office shall be a majority within the meaning of this section. If nominee for two or more



offices (constituting a group) are to be selected, and there are more candidates for nomination than there are such offices, then the majority of votes cast for said office in such election shall be ascertained by dividing the total vote cast for all such candidates by the number of positions to be filled, and then dividing the result by two. Any number of votes in excess of the number ascertained by such last division shall be the majority herein provided for necessary for nomination. If in ascertaining the result in this way, it appears that more candidates have obtained this majority than there are positions to be filled, then those having the highest vote, if beyond the majority just defined, shall be declared the nominees for the positions to be filled.

Section 39. If, in any primary election held under the provisions of this chapter, there shall be a tie vote cast, then in such event such tie shall be decided by the chairman of the state executive committee if the office be an office other than a county office, and by the chairman of the county executive committee if the office be a county office.

Section 40. The Secretary of State shall within 6 days after the second primary election certify to the probate judge of each county in the state a separate list of nominees of each party for office, except nominees for county offices, to be voted for by the voters of such county.

Section 41. The state executive committee, in cases where the office to be filled is not a county office, and the county executive committee in cases where the office to be filled is a county office, but subject to the approval of and in accordance with the method prescribed by the state executive committee, where a vacancy may occur in any nomination, either by death, resignation, revocation, or otherwise, or in case of any special election, shall have the power and authority to fill such vacancy, either by action of the committee itself, or by such other method as such committee may see fit to pursue.

Section 42. The state executive committee or other governing body of any political party may provide for state conventions or conventions of other sub-divisions and may provide for the election of delegates to such convention or other party officers at the general primary herein provided for.

Section 43. When any political party shall desire to hold any mass meeting, beat meeting, or other meeting of the voters of such party for the purpose of nominating any candidate or candidates for public office, to be voted for in a general election in Alabama or for the purpose of selecting delegates, or other representatives to any convention which may select such candidates for public office, or when any such party shall desire to hold such mass meeting, beat meeting, or other meeting of the voters of such party for the purpose of selecting committeemen, representatives or other party officers of such party; all of such meetings shall be held at the times and places set out in the succeeding section, and at no other times or places.

Section 44. All such meetings shall be held in a hall, room, or open place at or in the immediate vicinity of the voting place of the respective precinct or voting district and on the same date as that set for primary elections. The general public is privileged to attend such meetings but not to participate. No less than five (5) days prior to the date upon which any such mass meeting, beat meeting or other meeting is to be held, notice of such meeting including the time and place of such meeting shall be filed with Judge of Probate of the County in which any such meeting is to be

held and shall be published in a newspaper of general circulation in said county at the expense of the political party holding such meeting. The Probate Judge shall immediately forward to the Secretary of State a certified copy of all notices filed under this section.

Section 45. Sections 43, 44, and 46 of this act shall not apply where a special election is called for the election of a public officer, for which said party has no candidate, or, where by death, resignation, or otherwise, a vacancy has occurred in any nomination made by such party; and sections 43, 44, and 46 of this act shall not apply to municipal elections.

Section 46. Any person or persons who shall hold, attend or participate in the holding of any meeting for the purpose of nominating a candidate or candidates for public office, to be voted for at any general election in Alabama, or for the purpose of electing delegates or other representatives to any convention which may select such candidates for public office, at any time or place other than as provided for in this Act, relating to mass meetings or beat meetings, or who shall otherwise violate the laws of this state regulating mass meetings or beat meetings, shall be guilty of a misdemeanor.

Section 47. The certificate of nomination by any caucus, convention, mass meeting, or other assembly of any political party or faction in this state not conducting a primary election at the expense of the state shall be filed, on or before 5 p.m. of the day of holding primary elections prescribed herein, with the probate judge in the case of nominations for county office, and with the secretary of state in the case of all other offices. Each such certificate must have attached thereto a separate sworn statement from the nominee signed by him, stating that he accepts the nomination.

Section 48. All laws or parts of laws which conflict with this act are hereby repealed.

Section 49. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 50. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Mr. Mitchell offered the following amendment to the substitute for the Bill, S. B. 1018, to-wit:

#### AMENDMENT TO THE SUBSTITUTE FOR S. B. 1018

Amend the Substitute for S. 1018, page 11, lines 31 and 32 by inserting a comma (,) between the words "boxes" and "or", also by striking out the words "voting machines with separate rows or columns" and inserting in lieu thereof the words:

where voting machines are used, separate rows or columns on such machines,

Also, page 20, line 12, by striking out the word "can" after the word "results" and inserting in lieu thereof the word:

shall

Also, page 20, line 15, by striking out the word "candidated" and inserting in lieu thereof the word:

candidates

Also, page 4, line 34 by striking out the word "name" after the word "the" and inserting in lieu thereof the word:

surname

Also, page 4, line 7 by inserting after the word September the words:, beginning in 1978.

Which was adopted.

Messrs. McMillan and Fine offered the following amendment to the substitute, as amended, for the Bill, S. B. 1018, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED,  
FOR S. B. 1018

Amend the substitute for S. B. 1018 by deleting on pages 8 and 9 Section 14, Section 15 and Section 16 and renumber the remaining sections accordingly and by deleting "and are registered as such" on line 28 p. 7.

Which was adopted.

Mr. Mitchell then offered the following amendment to the substitute, as amended, for the Bill, S. B. 1018, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED,  
FOR S. B. 1018

Amend Senate Bill No. 1018 Page 9 Line 19, by striking out the word \$500.00 and substituting in lieu thereof \$750.00.

Mr. Edwards moved that said amendment be laid on the table, which motion was lost.

And said amendment was then adopted by the Senate.

And said substitute, as thus amended, for the Bill, S. B. 1018, was then adopted by the Senate.

Yeas 24; Nays 1.

*Yeas:*

Messrs. Baker, Edwards, Ellis, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), Mims, Mitchell, Perloff, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—24

*Nay:* Mr. McMillan.

—1

Mr. Edwards offered the following amendment to the Bill, S. B. 1018, as amended by the substitute, to-wit:

AMENDMENT TO S. B. 1018, AS AMENDED

Amend Senate Bill No. 1018 as amended Page 9 Line 19, by striking out the word \$750.00 and substituting in lieu thereof \$550.00

Which was adopted.

Yeas 24; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Givhan, Jones, King, Littleton, McDonald (A), McDonald (S), Mims, Mitchell, Noonan, Perloff, Powell, St. John, Shelby, Torbert, Vacca, Waldrop.

—24

*Nays:*

—0

Mr. McDonald (S) offered the following amendment to the Bill, S. B. 1018, as amended, to-wit:

#### AMENDMENT TO S. B. 1018, AS AMENDED

Amend Substitute for S. B. 1018 by omitting line 16 of Section 10 and inserting therefor the following: "on a date no more than 53 days or less than 46 days before the date of such primary."

Amend Section 16, of section 10 by omitting line 18 and inserting therefore the following: "on a date no more than 46 days or less than 39 days before the primary certify the names of all primary."

Amend Section 16, of section 10 by omitting line 21 and inserting therefor the following: "5 p.m. no more than 46 days or less than 39 days prior to the date of the primary election,"

Which was adopted.

Yeas 24; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, Mitchell, Perloff, Perry, Powell, St. John, Shelby, Stewart, Torbert, Waldrop.

—24

*Nays:*

—0

And said Bill, S. B. 1018, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Perry, Roberts, St. John, Shelby, Stewart, Torbert, Vacca.

—25

*Nays:*

—0

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. White, Smith (B), Greer, Martin, Roberts, Sonnier, Riddick, Taylor, Ford, Albright, Rich, Armstrong, Quarles, Gafford, McNair, Harrison, Biddle, Trammell, Hopping, Hall, Jolly, Gregg, Johnson, Howard, Clark, Robertson, Smith (C), Holley, Reed and Whatley:

H. 523. To amend Act No. 298, H. 32, 1959 Regular Session (Acts 1959, p. 871; now appearing in Code of Alabama Recompiled 1958, Title 52, Section 103 (1) ), relative to election of county superintendents of education to provide that no person residing outside the jurisdiction of such superintendent shall vote in the elections thereof; except in certain counties; it repeals Act No. 38, H. 53, 1969 Special Session (Acts of 2969, p. 95); now appearing in the Code of Alabama Recompiled 1958, as Title 52, Section 103 (2) ).

Also:

By Messrs. Gregg, Hilliard, Smith (B), Lutz, White, Andrews, Boles, Hall, Starkey, Martin, Cooper, Cross, McCluskey, Greer, Hill, Crowe, Reed, Sandusky, McCulley, Venable, Cates, Carothers, Smith (M), LeFlore, Edwards, Dial, Teague, Kelley, Sasser, Brindley, Pegues, Campbell, Weeks, Harrison, Leonard and Robertson:

H. 951. To provide for a voluntary anatomical gift by executing a statement on state drivers' licenses and to require that a statement be provided for, for such voluntary gifts, on the reverse side of all issued drivers' licenses.

Also:

By Messrs. Turnham, Higginbotham, Whatley, Carothers, Sandusky, Smith (C), Wyatt and Cates:

H. 1601. To provide for the partial participation of employees of the Cooperative Extension Service of Auburn University under Federal appointment in the Employees' Retirement System.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B. 523. To the Committee on Education.

H. B. 951. To the Committee on Judiciary.

H. B. 1601. To the Committee on Finance and Taxation.

## BILLS ON THIRD READING RESUMED

The Bill:

S. 883. To provide for immunity for political subdivisions for personal injury, death or damages to property by reason of acts committed

or omitted in the exercise of governmental functions, and defining political subdivisions.

was taken up.

Mr. Shelby moved that consideration of the Bill, S. B. 883, be postponed until the Thirty-first Legislative Day. On motion of Mr. St. John, the motion to postpone was laid on the table.

Yeas 19; Nays 11.

*Yeas:*

Messrs. Bank, Ellis, Fine, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), Mims, Noonan, Owen, Powell, St. John, Torbert, Vacca.

—19

*Nays:*

Messrs. Adams, Baker, Clemon, Edwards, Flippo, McMillan, Mitchell, Perloff, Shelby, Stewart, Wilson.

—11

On motion of Mr. Shelby, further consideration of the Bill, S. B. 883, was postponed until the next Legislative Day.

### MOTION TO RECONSIDER

Mr. Perry moved that the Senate reconsider the vote by which the Bill, S. B. 599, as amended, was passed, and further moved that the motion to reconsider be postponed until the Thirty-first Legislative Day.

### RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 126. BE IT RESOLVED BY THE SENATE That the following bills be made a special, paramount and continuing order of business, taking priority over all other bills on the calendar, and taking priority over the regular order of business until disposed of:

BILL NO.	PAGE
S. B. 278	187
S. B. 829	111
S. B. 409	41
S. B. 901	113
S. B. 1036	150
S. B. 1070	145
H. B. 1311	Supp. 9
H. B. 1139	Supp. 10

On motion of Mr. Foshee, said Resolution was adopted by the Senate.

## BILLS ON THIRD READING RESUMED

The Bill:

S. 106. To amend Act No. 253, Special Session 1966 which exempts from civil liability certain persons who render emergency care at the scene of an accident, casualty or disaster, to read as follows:

was taken up.

Mr. St. John offered the following amendment to the Bill, S. B. 106, to-wit:

## AMENDMENT TO S. B. 106

Amend S. 106 by adding at line 26 at the end of the sentence therein the following sentence:

"However, such exemption from civil liability shall not extend to wilful or wanton misconduct".

Further amend the bill by changing the word "troops" at line 31 to read "persons".

Further amend the bill by changing Section 2 to read as follows:

"Section 2. When any physician by voice contact gratuitously advises medical personnel at the scene of an emergency episode to render medical assistance based upon information received by voice or bio-telemetry equipment, such actions ordered taken by the physician to sustain life or reduce disability shall not subject such physician to civil liability."

Which was adopted.

Yeas 22; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Givhan, Jones, King, Littleton, Mims, Mitchell, Pearson, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca.

— 22

*Nays:*

— 0

Mr. Jones offered the following amendment to the Bill, S. B. 106, as amended, to-wit:

## AMENDMENT TO S. B. 106, AS AMENDED

On line 15 of Section 1, Senate Bill 106, strike out the word or after the word medicine and insert a comma, strike out the comma after the word dentistry and insert the words or chiropractic.

Which was adopted.

Yeas 18; Nays 1.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Jones, King,

Littleton, Mims, Pearson, Perry, St. John, Shelby, Stewart, Torbert, Vacca.

—18

*Nay:* Mr. Roberts.

—1

Mr. Edwards offered the following amendment to the Bill, S. B. 106, as amended, to-wit:

#### AMENDMENT TO S. B. 106, AS AMENDED

Amend Senate Bill No. 106 Page 1 Line 16, by inserting "member of any organized volunteer fire department," after the word "department,"

Which was adopted.

Yeas 20; Nays 0.

*Yeas:*

Messrs. Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Gilmore, Jones, Littleton, McDonald (A), McDonald (S), Mims, Mitchell, Pearson, Powell, St. John, Shelby, Stewart, Torbert, Vacca.

—20

*Nays:*

—0

And said Bill, S. B. 106, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Edwards, Ellis, Fine, Flipppo, Gilmore, Givhan, Jones, Little, Littleton, McDonald (A), McDonald (S), Mims, Mitchell, Powell, Roberts, St. John, Shelby, Stewart, Vacca.

—21

*Nays:*

—0

The Bill:

H. 857. To revise the fee schedule for services rendered in probate offices and establish a new schedule for such services; and to repeal Code of Alabama 1940, Title 11, Section 29, and other general laws of state-wide application in conflict herewith.

was taken up.

Mr. Torbert offered the following amendment to the Bill, H. B. 857, to-wit:

#### AMENDMENT TO H. B. 857

Amend House Bill No. 857 Page 7 by inserting the following Section 1A, to-wit:

"Section 1A. Anything to the contrary notwithstanding in this Act, all fees in excess of the fees now authorized by law in Lee County and Clay



County shall be covered into the general fund of Lee County and Clay County."

Which was adopted.

Yeas 20; Nays 0.

*Yeas:*

Messrs. Bank, Clemon, Fine, Flippo, Foshee, Givhan, Jones, King, Littleton, McDonald (A), McDonald (S), Mims, Owen, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—20

*Nays:*

—0

And said Bill, H. B. 857, as thus amended, was then read a third time at length and passed.

Yeas 15; Nays 4.

*Yeas:*

Messrs. Bank, Edwards, Fine, Foshee, Givhan, Jones, Littleton, McDonald (S), Mims, Mitchell, Noonan, St. John, Shelby, Torbert, Waldrop.

—15

*Nays:* Messrs. Baker, Flippo, King, Stewart.

—4

The Bill:

S. 668. To amend Act No. 1116, Acts of Alabama 1969 Regular Session, page 2054, approved September 12, 1969 entitled: Relating to crimes and offenses; defining certain crimes relative to credit cards, including offenses relative to obtaining, possessing, using, dealing in, forging, signing and providing goods and services upon presentation of a credit card; prescribing certain presumptions and proscribing certain defenses relative to the crimes hereby defined; prescribing penalties; and providing that this act is cumulative.

was taken up.

Mr. Edwards offered the following amendment to the Bill, S. B. 668, to-wit:

#### AMENDMENT TO S. B. 668

Amend Senate Bill No. 668, Page 4 Line 8-12, by striking out the remainder of Section 3(b) after the word "act." and furthermore by striking out on page 8, line 22 the words "or possesses" after the word "cards" and by adding immediately after said word " , , ."

Which was adopted.

Yeas 23; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Fine, Flippo, Foshee, Givhan, Jones, King, Littleton, McDonald (A), McDonald (S), Mims, Mitchell,

Pearson, Perry, Powell, Shelby, Stewart, Torbert, Vacca, Wilson.

—23

*Nays:*

—0

And said Bill, S. B. 668, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Fine, Flippo, Foshee, Givhan, Jones, King, Littleton, McDonald (A), McDonald (S), Mims, Mitchell, Pearson, Perry, Powell, Stewart, Torbert, Vacca, Waldrop.

—22

*Nays:*

—0

### SPECIAL ORDER

The Senate proceeded to consideration of the next special order for today, the first of which was the Bill:

S. 278. Relating to the 38th Judicial Circuit; to provide for additional Circuit Judge in such Circuit: defining his jurisdiction, powers, right and authority; his qualifications and duties; to set his compensation and providing for the appointment of a bailiff and court reporter.

Mr. Flippo moved that consideration of the Bill, S. B. 278, be postponed temporarily. On motion of Mr. Fine, the motion to postpone was laid on the table.

Yeas 17; Nays 7.

*Yeas:*

Messrs. Adams, Clemon, Fine, Foshee, Givhan, Jones, Littleton, McDonald (S), McMillan, Mims, Mitchell, Pearson, Perry, Powell, Shelby, Vacca, Wilson.

—17

*Nays:*

Messrs. Baker, Edwards, Flippo, King, St. John, Stewart, Waldrop.

—7

And said Bill, S. B. 278, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 1.

*Yeas:*

Messrs. Adams, Baker, Edwards, Ellis, Fine, Foshee, Givhan, Jones, King, Littleton, McDonald (S), Mims, Pearson, Powell, St. John, Shelby, Stewart, Wilson.

—18

*Nay:* Mr. Flippo.

—1

The Bill:

S. 829. Relating to the Fourth Judicial Circuit; providing for an additional circuit judge in such circuit; defining his jurisdiction, powers, right and authority; prescribing his qualifications and duties; setting his compensation and providing for the appointment of a bailiff and court reporter.

was taken up.

Mr. Givhan offered the following substitute for the Bill, S. B. 829, to-wit:

### SUBSTITUTE FOR S. B. 829

#### A BILL TO BE ENTITLED AN ACT

Relating to the Fourth Judicial Circuit; providing for an additional circuit judge in such circuit; defining his jurisdiction, powers, right and authority; prescribing his qualifications and duties; setting his compensation and providing for the appointment of a bailiff and court reporter.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created an additional judgeship for the Fourth Judicial Circuit, which shall be designated Judgeship Number Three. The additional judge shall be appointed for the circuit by the Governor, within ten days after the effective date of this act, who shall hold office until his successor is elected and qualified at the next general election for circuit judges. At the first general election for circuit judges held after the election of the first judge to fill the judgeship hereby created and every six years thereafter, a judge shall be elected to fill such judgeship at the same election as other circuit judges of the Fourth Judicial Circuit. Not more than two judges of the Fourth Judicial Circuit shall reside in the same county when elected or at any time during their continuance in office.

Section 2. The judge appointed or elected as provided in Section 1 of this act shall have and shall exercise all the jurisdiction, power, right and authority; shall possess all of the qualifications; shall perform all of the duties required; and shall be subject to all of the pains and penalties of such office as the other such circuit judges are subject to.

Section 3. The compensation of such judge shall be the same as and paid under the same terms and manner as that of other circuit judges in the Fourth Judicial Circuit.

Section 4. The judge may appoint a bailiff and a court reporter whose qualifications, powers, duties, and authorities shall be the same as such other bailiffs and reporters of the Fourth Judicial Circuit and whose compensation shall be the same as and paid under the same terms and manner as other bailiffs and reporters of the Fourth Judicial Circuit.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 23; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Givhan, Jones, King, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Powell, St. John, Shelby, Vacca, Wilson.

—23

*Nays:*

—0

And said Bill, S. B. 829, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 1.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Givhan, Jones, King, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Powell, St. John, Shelby, Stewart, Vacca, Wilson.

—23

*Nay:* Mr. Flippo.

—1

The Bill:

S. 409. To create an additional Judgeship of the Twenty-Second Judicial Circuit, to be designated Circuit Judge Number Two; to provide for his appointment and election, jurisdiction, powers, duties, authority, and qualifications; to render him liable to all the pains and penalties of other Circuit Judges of the State of Alabama; and to provide for and fix the salary of such Judge.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 1.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Givhan, Jones, King, Little, McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Powell, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

—25

*Nay:* Mr. Flippo.

—1

The Bill:

S. 901. Relating to the Twenty-Fifth Judicial Circuit; providing for an additional circuit judge in such circuit.

was taken up.

Mr. Fine offered the following amendment to the Bill, S. B. 901, to-wit:

#### AMENDMENT TO S. B. 901

Amend S. B. 901 by deleting Section 1 in its entirety and inserting in lieu thereof the following:

"Section 1. There is hereby created an additional judgeship for the Twenty-Fifth Judicial Circuit. Said additional judge shall run at the next general election and shall hold office until his successor is elected and qualified as provided in Article VI, Sections 158 and 159, of the Constitution of Alabama. The judge for the additional judgeship shall be elected thereafter as are other circuit judges in this state."

Which was adopted.

Yeas 22; Nays 1.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Givhan, Jones, King, Littleton, Mims, Mitchell, Noonan, Owen, Pearson, Powell, Shelby, Stewart, Vacca, Wilson.

—22

*Nay:* Mr. Flippo.

—1

And said Bill, S. B. 901, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 1.

*Yeas:*

Messrs. Adams, Baker, Clemon, Fine, Foshee, Givhan, Jones, King, Littleton, Mims, Mitchell, Noonan, Owen, Pearson, Powell, Shelby, Stewart, Wilson.

—18

*Nay:* Mr. Flippo.

—1

The Bill:

S. 1036. To create an additional judgeship for the Sixth Judicial Circuit of Alabama and provide for the election, term, compensation, powers, duties and authority of such judge.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 1.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Fine, Foshee, Gilmore, Givhan, Jones, King, Littleton, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, Shelby, Stewart, Vacca, Wilson.

—22

*Nay:* Mr. Flippo.

—1

The Bill:

S. 1070. Relating to the 14th Judicial Circuit; to provide for an additional Circuit Judge in such Circuit; defining his jurisdiction, powers, rights and authority; his qualifications and duties; to set his compensation and providing for the appointment of a bailiff and court reporter.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 1.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Givhan, Jones, King, Littleton, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, Shelby, Stewart, Vacca, Wilson.

—23

*Nay:* Mr. Flippo.

—1

The Bill:

H. 1311. Relating to the twentieth judicial circuit; providing for an additional circuit court judge in such circuit and prescribing the duties, authority, and compensation of such judge; establishing the family court division of such circuit; prescribing the jurisdiction of the family court division and providing for selection, appointment, qualifications, tenure, and compensation of officers and administrative and clerical personnel; abolishing special courts having jurisdiction of juveniles and domestic relations cases.

Was read a third time at length and passed.

Yeas 23; Nays 1.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Givhan, Jones, King, Littleton, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, Shelby, Stewart, Vacca, Wilson.

—23

*Nay:* Mr. Flippo.

—1

The Bill:

H. 1139. Relating to the fifteenth judicial circuit, providing for two additional judicial circuit judges for such circuit, and creating a civil and a criminal division for said circuit.

Was read a third time at length and passed.

Yeas 20; Nays 1.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Fine, Foshee, Givhan, Jones, King, Littleton, Mims, Mitchell, Noonan, Owen, Pearson, Powell, Shelby, Stewart, Vacca, Wilson.

—20

*Nay:* Mr. Flippo.

—1

#### FURTHER CONSIDERATION OF H. B. 899

The Senate proceeded to further consideration of the Bill, H. B. 899. The question was on the Stewart amendment to the pending Stewart substitute.

On motion of Mr. Powell, said substitute and amendment were laid on the table.

Yeas 16; Nays 7.

*Yeas:*

Messrs. Adams, Bank, Clemon, Fine, Foshee, Gilmore, Givhan, Jones, Littleton, Mitchell, Noonan, Perloff, Powell, Torbert, Vacca, Wilson.

—16

*Nays:*

Messrs. Baker, King, Little, McDonald (A), Owen, Shelby, Stewart.

—7

Mr. Torbert offered the following amendment to the Bill, H. B. 899, to-wit:

#### AMENDMENT TO HOUSE BILL 899

Amend House Bill 899, page 17, by inserting after Section 14 (11) a new sub-section 14 (12) to-wit:

“(12) If any licensee shall voluntarily accept surrender of any property in which the licensee has a purchase money security interest and the original unpaid principal balance of such loan was \$1,000 or less, and the proceeds of such loan was used to purchase the aforementioned property, the borrower shall not be personally liable to the licensee for the unpaid balance of such loan, but the licensee shall not be obligated to sell such property.”

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Owens:

H. 537. To amend Section 458, Title 55, 1940 Code of Alabama, as amended, to permit a retired State Policeman to accept employment within

any Department or Agency of the State government of Alabama without being required to become or remain a member of the state retirement system as a condition of their employment, or be denied retirement benefits otherwise earned as a state policeman during such term of employment in a classified position other than state policeman.

Also:

By Mr. Pegues:

H. 89. To amend Sections 1 and 5 of Act No. 21, H. 28, as amended, enacted at the 1969 Special Session of the Legislature of Alabama, relating to raising revenue and levying a privilege or license tax against certain persons and utilities on account of the furnishing of certain utility services and prescribing rates and exclusions therefrom, providing for the issuance of a utility license and providing for collecting such tax and enforcing payment thereof, and providing for the disposition of the proceeds from such tax; deleting the words "other than by a municipality or other municipal entity organized by a municipality" from the definition of "Utility Services" in Section 1, and by adding a new Section (h) to Section 5.

Also:

By Messrs. Crowe, Wyatt, Killian, Quarles, Cooper, Brindley, Weeks, Roberts, Kinsey, Hill, Robertson, Plaster, Smith (C), Sparks, Martin, Owens, Manley, Rich, Jackson (F), Boles, Hall, Hines, Drake, McCulley, Johnson, Whatley, Burgess, Baker and Carter:

H. 821. Relating to the State Personnel Board; to increase the number of members on said board from three to five; providing for the selection, appointment, term of office and compensation of the additional two members.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B.'s 537 and 821. To the Committee on Rules.

H. B. 89. To the Committee on Finance and Taxation.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Greer and Coburn:

H. 1422. Relating to Lauderdale County; providing further for the election of the members of the county board of education.

With notice and proof thereto attached and herewith exhibited as follows:



## LEGAL NOTICE

STATE OF ALABAMA  
COUNTY OF LAUDERDALE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Lauderdale County; providing further for the election of the members of the county board of education and county superintendent of education.

Be It Enacted by the Legislature of Alabama:

SECTION 1. Only those qualified electors residing within a school district under the jurisdiction of the Lauderdale County Board of Education may vote in any election of the members of such board or any election of the superintendent of education in Lauderdale County.

SECTION 2. All laws or parts of laws which conflict with this act are repealed.

SECTION 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

## PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF LAUDERDALE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Bill Harrison, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Advertising Manager of the The Florence Times\*Tri-Cities Daily, a newspaper of general circulation published in Lauderdale County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 27, 1975, June 3, 1975, June 10, 1975 and June 17, all in the year 1975.

BILL HARRISON.

Sworn to and subscribed before me June 17, 1975.

WALLACE E. OWEN, JR.,  
Notary Public State at Large.

Also:

By Messrs. Merrill and Shelton:

H. 1728. Relating to the Seventh Judicial Circuit; to authorize the district attorney to appoint two deputy district attorneys and one clerk-secretary; to fix their salaries and to provide for the payment thereof; and to provide further for the compensation of the investigator for the circuit.

Also:

By Messrs. Kelley and Mitchem:

H. 1627. To amend Act No. 716, H. 1486, 1973 Regular Session (Acts of 1973, p. 1071), entitled, "An Act Relating to the twenty-seventh judicial circuit of Alabama, to provide for an investigator, furnished with an automobile and other equipment necessary for the performance of investigative duties; and to provide for an additional secretarial assistant for the office of district attorney of said judicial circuit," so as to provide for an additional secretarial assistant and to effect changes in the salary of the investigator and the assistants.

Also:

By Messrs. Barron, Holmes, Lewis, Harris, Wyatt and Plaster:

H. 1672. Providing for the distribution of fines and forfeitures from convictions in certain cases of traffic violations in counties having populations of not less than 150,000 nor more than 180,000 and counties having a population of not less than 300,000 nor more than 500,000 according to the last or any subsequent federal census.

Also:

By Messrs. Sonnier, Sandusky, LeFlore, Cooper and Kennedy:

H. 1665. Relating to the thirteenth judicial circuit; providing for an additional circuit court judge in such circuit and prescribing the duties, authority, and compensation of such judge; establishing the family court division of such circuit; prescribing the jurisdiction of the family court division and providing for selection, appointment, qualifications, tenure, and compensation of officers and administrative and clerical personnel; abolishing special courts having jurisdiction of juveniles and domestic relations cases.

Also:

By Messrs. Edwards and Plaster:

H. 1754. Relating to all counties having populations of not less than 12,700 nor more than 13,100 according to the most recent federal decennial census; conferring additional powers on the circuit clerk and register.

Also:

By Mr. Smith (J):

H. 1743. Relating to Geneva County; relieving the tax assessor and tax collector from the duty of traveling from place to place within the county to assess property and collect taxes.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF GENEVA

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Geneva County; relieving the tax assessor and tax collector from the duty of traveling from place to place within the county to assess property and collect taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. In Geneva County the tax assessor and the tax collector are relieved of the duty of traveling from place to place within the county to assess property and collect taxes.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF GENEVA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Orsen B. Spivey, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Geneva County Reaper, a newspaper of general circulation published in Geneva County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 24, July 31, August 7, and August 14, all in the year 1975.

ORSEN B. SPIVEY.

Sworn to and subscribed before me August 14, 1975.

O. T. SPIVEY,  
Notary Public.

Also:

By Messrs. Edwards and Plaster:

H. 1755. To amend further Section 1 of Act No. 836, H. 1103, Regular Session 1969 (Acts of 1969, p. 1541), which provides an allowance for the employment of additional clerical assistance by the tax assessor and tax collector in each county having populations of not less than 12,700 nor more than 13,100 according to the most recent federal decennial census.

Also:

By Messrs. Morris and Turnham:

H. 1763. Relating to counties having populations of not less than 33,550 nor more than 34,000 inhabitants according to the most recent federal decennial census; to provide for an expense allowance for the probate judge of such counties.

Also:

By Mr. Smith (J):

H. 1768. Relating to Geneva County; providing additional compensation for the official court reporter of the Thirty-third Judicial Circuit, payable by the county.

With notice and proof thereto attached and herewith exhibited as follows:

#### AN ACT

Relating to Geneva County; providing additional compensation for the official court reporter of the Thirty-third Judicial Circuit, payable by the county.

Be It Enacted by the Legislature of Alabama:

Section. In addition to all other compensation provided for by law, the official court reporter of the Thirty-third Judicial Circuit of Alabama shall be entitled to additional compensation payable by Geneva County in the amount of two hundred dollars per month. Such additional compensation shall be paid to the court reporter at the end of each month from the general funds of Geneva County.

Section 2. This Act is cumulative.

Section 3. This Act shall take effect on the first of the month next following the date of its enactment.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF GENEVA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Orsen B. Spivey, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Geneva County Reaper, a newspaper of general circulation published in Geneva County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 17, July 24, July 31, and August 7, all in the year 1975.

ORSEN B. SPIVEY.

Sworn to and subscribed before me 27 Aug., 1975.

O. T. SPIVEY,  
Notary Public.

Also:

By Mr. Folmar:

H. 1774. Relating to counties having a population of not less than 24,900 nor more than 25,150 inhabitants according to the most recent federal decennial census; to provide an additional expense allowance for members of the county commission.

Also:

By Messrs. Campbell and Manley:

H. 1787. Relating to counties with populations of not less than 16,700 nor more than 18,000 inhabitants according to the most recent federal decennial census; to authorize the county commission or other like county governing body of such counties to pay the salary of one clerk for each of the following county offices: probate judge, sheriff, tax collector, tax assessor and circuit clerk; such clerks to be appointed for a term and paid an amount established by the said county commission.

Also:

By Messrs. Barron, Holmes, Lewis, Harris and Plaster:

H. 1671. Relating to the Fifteenth Judicial Circuit of Montgomery County, to provide additional compensation or salary for the official court reporters; providing for the payment thereof from the county general fund and providing for a fee as part of cost for reporting a case.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to the Fifteenth Judicial Circuit of Montgomery County, to provide additional compensation or salary for the official court reporters; providing for the payment thereof from the county general fund and providing for a fee as part of cost for reporting a case.

Be It Enacted by the Legislature of Alabama:

Section 1. The official court reporters of the Fifteenth Judicial Circuit of Alabama appointed and holding office under the provisions of law applicable thereto shall, in addition to the salary fixed and provided to be paid to the said court reporters under the provisions of Act No. 691, S. 284, Regular Session 1951 (Acts of Alabama 1951, p. 1192) as heretofore or hereafter amended, receive as additional salary or compensation the sum of Twenty-Four Hundred Dollars (\$2400.00) per annum from Montgomery County, Alabama, which shall be payable in monthly installments by said county out of their General Fund.

Section 2. In all cases reported by an official reporter or special reporter there shall be taxed as part of the cost of the case a fee of Twenty-Five (\$25.00) dollars for each day or fraction thereof that such reporter shall be engaged in reporting a case, to be collected as costs, and, when collected, paid by the Clerk or Register of the court into the County treasury of Montgomery County, Alabama.

Section 3. No provision of this Act shall be construed as altering, amending or repealing Act No. 691, S. 284, Regular Session 1951 (Acts of Alabama 1951, p. 1192) as heretofore or hereafter amended, except as herein specifically provided, but otherwise all laws or parts of laws, general, special, or local, which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

## PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF MONTGOMERY

Before me, the undersigned authority in and for said County in said State, this day personally appeared Betty K. Shine, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was bookkeeper of the Alabama Journal, a newspaper of general circulation published in Montgomery County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on August 8, August 15, August 22, and August 29, all in the year 1975.

BETTY K. SHINE.

Sworn to and subscribed before me September 2, 1975.

KATHLEEN F. MEADS,  
Notary Public Montgomery County Al.

Also:

By Messrs. Holmes and Wyatt:

H. 1632. To provide an additional expense allowance for the probate judge of every county having a population of not less than 150,000 nor more than 180,000 inhabitants according to the most recent federal decennial census.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B.'s 1422, 1627, 1754, 1743, 1755, 1763, 1768, 1774, 1787, 1671 and 1632. To the Committee on Local Legislation No. 1.

H. B.'s 1672, 1728 and 1665. To the Committee on Finance and Taxation.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Biddle, Morris, Gafford, Sandusky, Crowe, Manley, Owens, Armstrong and White:

H. 467. To prohibit the false impersonation of a law enforcement officer and to prescribe punishment for same.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 467. To the Standing Committee on Judiciary.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Carothers, Folmar, Sonnier, Smith (B), Robertson, Sasser, McNees, White and Crowe:

H. 772. To amend Title 33, Section 37, Code of Alabama, 1940 which declares and sets forth the Mechanics and Materialman's lien, so as to include Land Surveying and Engineering Services under the provisions of this lien statute.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 772. To the Standing Committee on Judiciary.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. McMillan and Kinsey:

H. 1599. Relating to the employment of law enforcement officers in counties having a population of not less than 57,000 nor more than 61,000 inhabitants according to the most recent federal decennial census; providing particularly for the employment of law enforcement officers, deputies, jailers and civilians in the sheriffs' offices or by municipalities in such counties.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 1599. To the Committee on Local Legislation No. 1.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Callahan, McMillan, Sonnier, Sandusky, Kennedy, Malone, McCulley, Johnstone, Cooper, LeFlore, Warren, Glass, Kinsey and Hines:

H. 1605. To authorize Alabama State Docks Department, with the approval of the Governor, to sell and issue from time to time not exceeding \$10,000,000 principal amount of revenue bonds for the purpose of the construction, improvement and equipment of additional seaport facilities at the Port of Mobile for the handling and storage of coal, coke, or any other materials in bulk or containers, or any other method of shipment; to provide for the details of the bonds issued hereunder, the execution thereof, the method of sale thereof, and the application of the proceeds from the sale thereof; to provide that bonds issued hereunder shall not be or constitute a debt of the State of Alabama, shall not pledge the faith or credit of the State of Alabama, shall bear such rate or rates of interest as may be specified in the order of the Department without regard to statutory limitations on interest rates, and shall be limited obligations payable solely out of revenues of the Department derived from its special handling charge, and out of revenues from a severance tax on coal; the pledge of the special handling charge for payment of the said principal and interest and that such pledge will constitute a charge on the revenues so pledged; to provide for, appropriate and authorize the pledge of a sufficient portion of a severance tax levied by Act No. 2305 adopted by the 1971 Regular Session of the Legislature of Alabama, as amended by the Act adopted by the 1975 Regular Session of the Legislature of Alabama that was introduced as House Bill 1607 at that session, to the extent necessary to pay the principal of and interest on said bonds and to create reserves therefor and that such pledge will constitute a charge on the revenues so pledged; to authorize the publication of notice of the adoption of an order authorizing the issuance of bonds hereunder and limiting the time within which any action may be brought to set aside or contest the validity of any such bonds or any proceedings authorizing or any pledge or instrument securing the said bonds; to provide that all bonds issued hereunder and the income therefrom shall be exempt from all taxation; and to provide that bonds issued hereunder shall be deemed negotiable instruments, and may be used to secure deposits or funds of the State of Alabama or of any instrumentality or agency of the State, and shall be lawful for the investment of fiduciary funds; to authorize the investment of proceeds of the bonds not presently needed for the purpose for which they are issued; and to provide that the provisions of this Act shall be severable and any portion hereof that may be held invalid shall not affect the remaining portions.

Also:

By Messrs. Callahan, McMillan, Sonnier, Sandusky, Kennedy, Malone, McCulley, Johnstone, Cooper, LeFlore, Warren, Glass, Kinsey and Hines:

H. 1606. "To amend Section 5 of Act No. 64 enacted at the 1971 First Special Session of the Legislature of Alabama (Acts of 1971, p. 115),



as amended by section 3 of Act No. 2306 enacted at the 1971 Regular Session of the Legislature of Alabama (Acts of 1971, p. 3724), the act being entitled "An Act to authorize Alabama State Docks Department, with the approval of the Governor, to sell and issue from time to time not exceeding \$15,000,000 principal amount of revenue bonds for the purpose of the construction, improvement and equipment of additional seaport facilities at the Port of Mobile for the handling and storage of coal, coke, or any other materials in bulk containers, or any other method of shipment, to authorize the Department to make temporary loans by the sale and issuance of its bond anticipation notes and to pay such notes and the interest thereon out of proceeds from the sale of the bonds herein authorized; to provide for the details of the bonds and notes issued hereunder, the execution thereof, the method of sale thereof, and the application of the proceeds from the sale thereof; to provide that bonds and notes issued hereunder shall not be or constitute a debt of the State of Alabama, shall not pledge the faith or credit of the State of Alabama, and shall be limited obligations payable solely out of certain revenues of the said Department derived from the facilities constructed with the proceeds of the said notes and bonds, and out of revenues from a severance tax on coal, except that the notes shall also be payable out of the proceeds from the sale of the bonds; to provide for and authorize the imposition and collection of an additional handling charge for the use of the said facilities and the pledge of such additional charge for payment of the said principal and interest and that such pledge will constitute the first charge on the revenues so pledged; to provide for, appropriate and authorize the pledge of a sufficient portion of a severance tax levied by the acts adopted by the 1971 Regular Session of the Legislature of Alabama that was introduced as House Bill 875 at said session to the extent necessary to pay the principal of and interest on said bonds and notes and to create reserves therefor; to authorize the publication of notice of the adoption of an order authorizing the issuance of bonds hereunder and limiting the time within which any action may be brought to set aside or contest the validity of any such bonds or any proceedings authorizing or any pledge or instrument securing, the said bonds; to provide that all bonds and notes issued hereunder and the income therefrom shall be exempt from all taxation; and to provide that bonds and notes issued hereunder shall be deemed negotiable instruments, and may be used to secure deposits or funds of the State of Alabama or of any instrumentality or agency of the State, and shall be lawful for the investment of fiduciary funds; to authorize the investment of proceeds of the bonds and the notes not presently needed for the purpose for which they are issued; and to provide that the provisions of this Act shall be severable and any portion hereof that may be held invalid shall not affect the remaining portions," so as to increase the amount of the special handling charge authorized to be imposed and collected, to provide that the proceeds collected from the special handling charge shall be available for use in the payment of interest and principal on certain revenue bonds which may be authorized by the 1975 Regular Session of the Legislature of Alabama to be issued by the Alabama State Docks Department, and to extend the term during which the special handling charge shall be collected."

Also:

By Messrs. Callahan, McMillan, Sonnier, Sandusky, Kennedy, Malone, McCulley, Johnstone, LeFlore, Cooper, Warren, Glass, Kinsey and Hines:

H. 1607. "To amend sections 1, 2, 5, 6, and 9 of Act No. 2305 enacted at the 1971 Regular Session of the Legislature of Alabama (Acts of 1971, p. 3719), entitled "An Act To raise revenue by levying an excise and privilege tax on every person engaged in the severance of coal from the soil in this state; to provide for the collection, payment and administration of such tax; to provide for the use of the proceeds of such tax; to provide for refunds of excess taxes; to provide for penalties for violation of the provisions of this Act; and to provide for eventual termination of such tax," so as to increase the rate of tax levied; to provide that the proceeds of the tax levied on the severance of coal from the soil in this state shall be used for payment of interest and principal on certain revenue bonds which may be authorized by the 1975 Regular Session of the Legislature of Alabama to be issued by the Alabama State Docks Department; to provide for refunds of excess taxes commensurate with the issuance of additional bonds to be paid out of the proceeds from that tax; and to alter the provisions respecting the eventual termination of that tax."

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. B.'s 1605, 1606 and 1607. To the Committee on Finance and Taxation.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Lee and Owens:

H. 915. To create a solicitor's fund in the Sixth Judicial Circuit of Alabama; to provide for the appropriation of moneys to said fund from solicitors' fees taxed and collected in all criminal cases in the Sixth Judicial Circuit of Alabama; to authorize the county governing body to appropriate funds from the general fund to be placed in the solicitor's fund; and to authorize expenditures of said fund by the District Attorney of the Sixth Judicial Circuit for law enforcement and the discharge of the duties of his office.

Also:

By Messrs. Lee and Owens:

H. 916. To establish and provide for a Schedule of Compensation for Deputy District Attorneys of the Sixth Judicial Circuit.

Also:

By Messrs. Shelton, Quarles and Merrill:

H. 1702. To provide that any municipality within Calhoun County may hold a referendum every four years on the question of allowing said

municipality to become or remain legally dry, or to become or remain legally wet.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To provide that any municipality within Calhoun County may hold a referendum every four years on the question of allowing said municipality to become or remain legally dry.

Be It Enacted by the Legislature of Alabama:

Section 1. Any incorporated municipality within Calhoun County is authorized to hold a referendum not more frequently than every four years on the question of allowing said municipality to become or to remain legally dry if a petition signed by at least ten percent of the registered voters within the municipality is submitted to the municipal governing body requesting that an election be held.

Section 2. The elections provided for herein shall be conducted as nearly as possible, in accordance with the rules and procedures prescribed for holding county-wet-dry elections, except that the mayor shall perform all duties relative to the election required by law of judges of probate relative to wet-dry county elections.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA  
CALHOUN COUNTY

Before me, personally appeared Melinda Jackson of The Jacksonville News, a newspaper of general circulation, published at Jacksonville, Alabama, who, after being duly sworn, certifies that the attached copy of publication, namely A Bill to be an Act, was published in 4 consecutive issues of said newspaper, beginning with the issue of 8-14-75 and appearing on the following dates: 8-21-75; 8-28-75; 9-4-75.

MISS MELINDA JACKSON.

Sworn to and subscribed before me this 2 day of September, 1975.

BETTY J. HOWELL,  
Notary Public.

Also:

By Messrs. Shelton and Merrill:

H. 1703. To amend Act No. 2182, H. 2753 Regular Session 1971 (Acts 1971, 3489) entitled An Act to provide for the City of Jacksonville in Calhoun County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the city; defining violations of the act; imposing penalties for violations; and repealing conflicting laws, so as to increase the pay of members of the Board, and to increase the authorized expenditure of the municipality for the operation of the board and further limit the officers and employees to which the act shall not apply.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Act No. 2182, H. 2753 Regular Session 1971 (Acts 1971, 3489) entitled An Act to provide for the City of Jacksonville in Calhoun County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the city; defining violations of the act; imposing penalties for violations; and repealing conflicting laws, so as to increase the pay of members of the Board, and to increase the authorized expenditure of the municipality for the operation of the board.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 5, 6, 7, and 16 of Act No. 2182 H. 2753 of the Regular Session of 1971 (Acts 1971, 3489) is hereby amended to read as follows:

"Section 5. There is hereby created the Civil Service Board of the City of Jacksonville, which shall be composed of five members appointed by the senator and representative representing Jacksonville. The following groups shall each submit the names of three nominees to the senator and representative:

- "1. All employees of the street sanitation department.
- "2. All employees of the gas and water department.
- "3. All employees of the police and fire department.
- "4. The Mayor and City Council.

"The Senator and Representative representing Jacksonville shall appoint one member from the nominees submitted by each group, and one other member at large. Each appointee shall serve for terms of six years or until his successor is appointed. No person shall be appointed to the board who is not a resident and qualified elector of the City of Jacksonville and over the age of twenty-five years.

"Members of the board shall take the constitutional oath of office, which shall be filed in the office of the probate judge. Vacancies on the board shall be filled in the same manner as original appointments. The members of the board shall elect a chairman and secretary from among

their number. Any member of the board who becomes a candidate for, or is elected or appointed to another public office vacates his office as a member of the board.

"Section 6. The chairman of the board shall be paid seventy-five dollars (\$75.00) per month, the co-chairman shall be paid sixty-five dollars (\$65.00) per month and all other members of the board shall be paid fifty dollars (\$50.00) per month. Board members shall be paid by the City of Jacksonville. The board shall have power to appoint clerical assistance and engage legal counsel of its own choice.

"Section 7. The board shall fix the times for its regular meetings, and it must hold at least one regular meeting each month; it may also hold special, adjourned, or called meetings at any time. Members of the board in attendance at special or called meetings shall receive twenty dollars (\$20.00) for attendance; however board members shall not be paid for more than two (2) special or called meetings in any calendar month. A majority of the members of the board shall constitute a quorum for the transaction of business. All meetings of the board shall be held in the city hall.

"Section 16. The compensation and all other expenses of the board arising under the provisions hereof shall be paid from funds of the city on the order of the board in the same manner as other city salaries and expenses are paid, provided, however, that the total expenditures in any one year shall not exceed Seven Thousand Five Hundred Dollars (\$7,500.00) without the approval of the city governing body. The city governing body shall provide the board an office in the city hall, which shall be suitably equipped and furnished for the needs of the board, and telephone service, postage, office supplies, and stationary."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA CALHOUN COUNTY

Before me, personally appeared Melinda Jackson of The Jacksonville News, a newspaper of general circulation, published at Jacksonville, Alabama, who, after being duly sworn, certifies that the attached copy of publication, namely Act No. 2182, H. 2753 was published in 4 consecutive issues of said newspaper, beginning with the issue of 7-24-75 and appearing on the following dates: 7-31-75; 8-7-75; 8-14-75.

MISS MELINDA JACKSON.

Sworn and subscribed to before me this 1st day of September, 1975.

BETTY J. HOWELL,  
Notary Public.

Also:

By Mr. Merrill and Mrs. Quarles:

H. 1735. To amend Sections 3, 6, and 12 of Act No. 2220, H. 2829, 1971 Acts of the Regular Session (Acts 1971, Vol V, p. 3566), entitled "Relating to all counties having populations of not less than 95,000 nor

more than 115,000 according to the most recent federal decennial census; to impose a tax upon the sale by liquor licensees of spirituous or vinous liquors and an additional tax on malt or brewed beverages when sold for on-premises consumption; providing for the administration of this Act and the collection and use of the proceeds; requiring permits for taxable sales of spirituous and vinous liquors and malt or brewed beverages; and providing penalties for violations of this Act", further prescribing the manner and method of regulating the sale of alcoholic beverages, taxation thereon, and penalties for violations.

Also:

By Mr. McCluskey:

H. 1752. To create the office of supernumerary sheriff in all counties with a population of not less than 10,660 nor more than 10,900 inhabitants according to the most recent decennial census, and to prescribe the qualifications, duties and salary of such office.

Also:

By Mr. McCluskey:

H. 1753. Relating to all counties having a population of not less than 10,660 nor more than 10,900 inhabitants according to the most recent federal decennial census; to provide for the compensation of certain county officers on a salary basis; to provide that the fees, commissions and allowances of such officers shall be deposited in the general fund of such counties; and to provide for the operation of the offices of such officers.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. B.'s 915, 916, 1702, 1703, 1735, 1752 and 1753. To the Committee on Local Legislation No. 1.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Taylor, Ford and Rich:

H. 1740. To provide for the incorporation of a municipal parking authority, herein called "the Authority", as a public corporation, in any city of the state having a population of not less than 50,000 nor more than 65,000 inhabitants according to the most recent federal decennial census; to provide the procedure for incorporation, which shall include approval by the governing body of the city of the application for incorporation and certificate of incorporation; to provide for a committee including such governing bodies to appoint members of the Board of Directors to manage the affairs of the Authority; to provide for appointment of officers of the Authority; to empower the Authority to acquire, construct, enlarge and

operate within the city facilities for parking motor vehicles; to empower the Authority to lease or cause to be leased such facilities to others, and to develop, acquire and lease or cause to be leased certain retail and service establishments in conjunction with and as a part of the parking facilities; to grant the Authority other powers incidental to the powers above enumerated, including but not restricted to the power of eminent domain; to authorize the city to aid the Authority in planning, constructing, enlarging or operating the facilities and to lend, give, donate or sell to the Authority real or personal property; to empower the Authority to issue interest bearing revenue bonds; to provide that such bonds may be secured by pledge of any revenues of the Authority and the mortgage of any property of the Authority; to provide that such pledge and mortgage may be provided for in or indenture by the Authority and a trustee, or by resolution providing for the issuance of bonds; to provide that such pledge shall be binding against parties without notice from the time a statement thereof is filed in the office of the judge of probate of the county wherein the Authority is located; to provide that bonds or other debts of the Authority shall not constitute a debt of the state or any political subdivision thereof; to provide the purposes for which the proceeds of such bonds shall be used; to authorize the refunding of said bonds; to provide for remedies in the event of any default on said bonds, including license, privilege and excise taxes; to exempt from taxation bonds of the Authority and the income therefrom; to authorize any county, city or town of this state to invest in bonds of the Authority; to provide that such bonds shall be legal investments for fiduciaries, savings bank and insurance companies; to authorize the publication of notice of the adoption of any resolution authorizing the issuance of bonds by the Authority, and specifying the time after such publication within which actions and defenses may be asserted respecting such bonds, pledge and indenture and the proceedings authorizing the same; and to provide for the dissolution of any such Authority and the disposition of its property.

Also:

By Mr. Cross:

H. 1742. Relating to counties having a population of not less than 27,000 nor more than 27,900 inhabitants according to the most recent federal decennial census; requiring the county governing body to appropriate certain funds to the sheriff to be expended solely by him to cover expenses of his office.

Also:

By Mr. Merrill and Mrs. Quarles:

H. 1736. To propose an amendment to the Constitution relative to the levy and collection of a special property tax for educational purposes in the city of Anniston.

Also:

By Messrs. Merrill, Shelton and Mrs. Quarles:

H. 1756. To authorize the county commission of all counties having a population of not less than 95,000 nor more than 115,000 inhabitants according to the most recent federal decennial census to make expenditures from the county general fund for bi-centennial purposes.

Also:

By Messrs. Clark and Robertson:

H. 1750. To amend Sections 4 and 5 of Act No. 171 enacted at the 1965 Regular Session of the Legislature of Alabama to provide that of the proceeds from Pickens County sales and use taxes levied thereby the first \$120,000 in each fiscal year shall be paid over to Pickens County Hospital Association and used by it solely for paying the costs of acquiring, constructing, equipping, operating, and maintaining a new public hospital facility in or near the Town of Carrollton, Alabama, that one-half of the remainder of said proceeds from said taxes shall be paid over to the Pickens County Hospital Association for the operation and maintenance of such new public hospital facility, and that one-half of the remainder of said proceeds from said taxes shall be paid over to the Pickens County Commission for use by it for public health purposes; to order an election in Pickens County on the question of whether Pickens County Hospital Association should consolidate public hospital facilities and services in such county through the closing of the existing hospitals at Aliceville and Reform and the construction and equipment of a new public hospital facility in or near the Town of Carrollton, Alabama; and to provide that this Act shall become effective only if a majority of those voting at said election vote in favor of the consolidation of such public hospital facilities and services.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF PICKENS

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Sections 4 and 5 of Act No. 171 enacted at the 1965 Regular Session of the Legislature of Alabama to provide that of the proceeds from Pickens County sales and use taxes levied thereby the first \$120,000 in each fiscal year shall be paid over to Pickens County Hospital Association and used by it solely for paying the costs of acquiring, constructing, equipping, operating, and maintaining a new public hospital facility in or near the Town of Carrollton, Alabama, that one-half of the remainder of said proceeds from said taxes shall be paid over to the Pickens County Hospital Association for the operation and maintenance of such new public hospital facility, and the one-half of the remainder of said proceeds from said taxes shall be paid over to the Pickens County Commission for use by it for public health purposes; to order an election in Pickens County on the question of whether Pickens County Hospital Association should consolidate public hospital facilities and services in such county through the closing of the existing hospitals at Aliceville and Reform and the construction and equipment of a new public hospital facility in or near the Town of Carrollton, Alabama; and to provide that this Act shall become effective only if a majority of those voting at said election vote in favor of the consolidation of such public hospital facilities and services.



Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act No. 171 enacted at the 1965 Regular Session of the Legislature of Alabama shall be and hereby is amended to read as follows:

"Section 4. (a) The taxes levied by this Act shall be collected by the Department of Revenue of the State of Alabama, at the same time and along with the collection by that department of taxes levied and collected for the State of Alabama under the provisions of Act No. 100, H. 94, approved August 18, 1959 and Article 11, of Chapter 20, Title 51, Code of Alabama 1940, and all acts amendatory thereof or supplementary thereto. All reports now required to be made to the Commissioner of Revenue hereunder shall, on request made to the Department of Revenue, be made available for inspection by the Pickens County Commission or its designated agent, at reasonable times during business hours. The State Department of Revenue shall prepare and distribute such reports, forms, and other information as may be necessary for the collection of the county taxes levied by this Act, and shall have all the authority and duties in connection with such taxes as are now given by law to the Department of Revenue or the Commissioner of Revenue in connection with the collection of the state sales and use taxes provided for by Act No. 100, H. 94, approved August 18, 1959 and Article 11, of Chapter 20, Title 51, Code of Alabama 1940, and all acts amendatory thereof or supplementary thereto. It shall be the duty of the Commissioner of Revenue to pay into the State Treasury all taxes collected under this Act; and on or before the tenth day of the following month, the Commission shall certify to the State Comptroller the amount of special taxes collected under the provisions of this Act for public health purposes in Pickens County during the calendar month immediately preceding the month of making such certificate, whereupon it shall be the duty of the Comptroller to issue his warrant or warrants on the State Treasury, payable as follows:

(1) to Pickens County Hospital Association in an amount equal to the amount so certified by the Commissioner of Revenue as having been collected for public health purposes in Pickens County and paid into the State Treasury during such preceding month so as to provide that Pickens County Hospital Association shall receive all of such special taxes in any fiscal year of the State until it shall have received the sum of \$120,000,

(2) to Pickens County Hospital Association in an amount equal to one-half the balance (if any) of the amount so certified to the Commissioner of Revenue as having been collected for public health purposes in Pickens County and paid into the State Treasury during such preceding month remaining after any payment to Pickens County Hospital Association made pursuant to the provisions of the preceding clause (1), and

(3) to Pickens County Commission in an amount equal to one-half the balance (if any) of the amount so certified to the Commissioner of Revenue as having been collected for public health purposes in Pickens County and paid into the State Treasury during such preceding month remaining after any payment to Pickens County Hospital Association made pursuant to the provisions of the preceding clause (1),

it being the intention hereof that the Comptroller shall pay to Pickens County Hospital Association, during any fiscal year of the State, the first \$120,000 of the Amount so certified by the Commissioner of Revenue and shall pay one-half of the balance (if any) to each of Pickens County Hospital Association and the Pickens County Commission of all amounts

so certified by the Commissioner of Revenue in excess of \$120,000 during any fiscal year of the State.

“(b) The State Department of Revenue shall charge Pickens County for collecting the special taxes levied by this Act such amount of percentage of total collections as may be agreed upon by the Commissioner of Revenue and the Pickens County Commission, but such charge shall not, in any event, exceed ten percent of the total amount of special county taxes collected hereunder within the county. Such charge for collecting the special taxes shall be deducted once each month from the special sales and special use taxes collected before certifying the amount of special sales and special use taxes to be paid to Pickens County Hospital Association or Pickens County Commission, as the case may be, for that month.”

Section 2. Section 5 of the said Act No. 171 shall be and hereby is amended to read as follows:

“Section 5. All revenues arising from the taxes herein levied shall be used exclusively and solely for public health purposes in Pickens County, including the acquisition by purchase, lease or otherwise, and the construction, equipment, operation and maintenance of public hospital facilities, or any one or more of such purposes. The said revenues paid to Pickens County Hospital Association shall be applied by it solely for the following public health purposes and in the following order: (a) payment of the principal of and interest on any securities at any time issued by it for payment of costs of acquisition (by purchase, lease or otherwise), construction and equipment of public hospital facilities in the county, including particularly (but without limitation) any securities issued by it for the purpose of paying the costs of acquiring, constructing and equipping a public hospital facility in or near the Town of Carrollton, Alabama; and (b) to the extent that the said revenues are in excess of the amount required for payment of such principal and interest, for payment of the costs of operating and maintaining said public hospital facility. The said revenues paid to the Pickens County Commission shall be applied by it for public health purposes in the county.

“The words ‘Pickens County Hospital Association’, wherever used in this Act, mean that certain public corporation organized in Pickens County under the provisions of Act No. 211 enacted at the 1945 Regular Session of the Legislature of Alabama, and heretofore designated, pursuant to procedures provided for in Act No. 640 enacted at the 1949 Regular Session of the said Legislature, as the agency of the county to acquire, construct, equip, operate and maintain public health facilities.

“The term ‘public health facilities’ or the term ‘public hospital facilities’ includes public hospitals, public clinics, health centers, and nursing home facilities for the housing and training of nurses, and any thereof.

“The term ‘public health purposes’ or the term ‘public hospital purposes’ hereafter used in this Act, shall be deemed to include the acquisition by purchase, lease or otherwise, and the construction, equipment, operation and maintenance of public health facilities, or any one or more of such purposes, including retirement of securities lawfully issued therefor at any time by Pickens County Hospital Association or Pickens County Commission.”

Section 3. An election is hereby ordered to be held in Pickens County, Alabama, on the question of whether the Pickens County Hospital

Association should consolidate public hospital facilities and services in Pickens County through the closing of the existing hospitals located at Aliceville and Reform and the construction and equipment of a new public hospital facility in or near the Town of Carrollton, Alabama. Said election is ordered to be held on the first Tuesday after the expiration of one month from the date on which this Act is signed by the Governor. The election shall be conducted pursuant to the provisions of Chapter 1 of Title 17 of the Code of Alabama of 1940, as amended.

Section 4. If any part of this Act shall be held invalid by a court of competent jurisdiction, such holding shall not affect the validity of the portions of the Act that are not in themselves invalid.

Section 5. This Act shall become effective on the first day of the fiscal year of the State succeeding the fiscal year during which a majority of those voting at the election ordered to be held in Section 3 hereof shall have cast their ballots in favor of the consolidation of public hospital facilities and services in Pickens County through the closing of the existing hospitals at Aliceville and Reform and the construction and equipment by Pickens County Hospital Association of a new public hospital facility in or near the Town of Carrollton, Alabama. In the event that a majority of those voting at the aforesaid election shall not have cast their ballots in favor of said consolidation of public hospital facilities and services, then this Act shall be void and of no effect.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA PICKENS COUNTY

Before me, Euteal V. Junkin, a Notary Public in and for said County, personally appeared Daisy J. Junkin Publisher of The Pickens County Herald & West Alabamian, a newspaper published in said County, who, being by me first duly sworn, states that the attached notice has been regularly published once a week for 4 consecutive weeks in said paper in issues dated as follows: 8-14, 1975; 8-21, 1975; 8-28, 1975; 9-4, 1975.

DAISY J. JUNKIN.

Subscribed and sworn to before me, this the 4 day of Sept., 1975.

EUTEAL V. JUNKIN,  
Notary Public.

Also:

By Messrs. Clark and Robertson:

H. 1751. To authorize the governing body of Pickens County, Alabama, to call an election in said county for the purpose of determining whether or not the said governing body of Pickens County may levy an additional privilege or license and excise and sales tax equalling one-half of one cent and paralleling, with like provisions in Pickens County, such State taxes as are levied by the State of Alabama by Sections 752 through Section 811 and Articles 10 and 11 of Chapter 20 of Title 51 of the Code of Alabama of 1940 and the amendments thereto; providing for the collection thereof; and providing that one-half of the revenues arising from any levy made by said governing body of said county under authority of this act shall be paid to the Pickens County Hospital Association for the operation

and maintenance of public hospitals in said county and the remaining one-half of such revenue shall be paid to the Pickens County Commission for use by it for public health purposes in said county.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF PICKENS

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To authorize the governing body of Pickens County, Alabama, to call an election in said county for the purpose of determining whether or not the said governing body of Pickens County may levy an additional privilege or license and excise and sales tax equalling one-half of one cent and paralleling, with like provisions in Pickens County, such State taxes as are levied by the State of Alabama by Sections 752 through Section 811 and articles 10 and 11 of Chapter 20 of Title 51 of the Code of Alabama of 1940 and the amendments thereto; providing for the collection thereof; and providing that one-half of the revenues arising from any levy made by said governing body of said county under authority or this act shall be paid to the Pickens County Hospital Association for the operation and maintenance of public hospitals in said county and the remaining one-half of such revenues shall be paid to the Pickens County Commission for use by it for public health purposes in said county.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Pickens County, Alabama, is hereby authorized to call an election of the qualified voters of said county for the purpose of determining whether or not such governing body may in its discretion levy, in addition to the sales and use taxes levied in such county pursuant to the provisions of Act No. 171 adopted at the 1965 Regular Session of the Legislature of Alabama, county sales and use taxes as provided in this Act.

Section 2. The Pickens County Commission may levy a special privilege or license tax as follows:

(a) Upon every person, firm or corporation engaged or continuing within Pickens County in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidence of debt or stocks), an amount equal to one-half of one percent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Any person engaging or continuing in business as a retailer and wholesaler of jobber shall pay the tax required on the gross proceeds of retail sales of such businesses at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as retailer, on the gross sales of the business.

(b) Upon every person, firm, or corporation engaged or continuing within Pickens County in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution, or any athletic association thereof, or other association whether such institution or association be denominational, a state, county, or a city school, or other institutional, association or school), skating rinks, race tracks, golf courses, or any other place at which an exhibition, display, amusement, or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description conducted or carried on within Pickens County, an amount equal to one-half of one percent of the gross receipts of any such business.

(c) Upon every person, firm, or corporation engaged or continuing within Pickens County in the business of selling at retail any automotive vehicle, truck trailer, semi-trailer, or house trailer, an amount equal to one-sixth ( $1/6$ ) of one per cent of the gross proceeds of the sale of said automotive vehicle, truck trailer, semi-trailer, or house trailer. Provided, that where any used automotive vehicle or truck trailer, semi-trailer, or house trailer, is taken in trade, or in a series of trades, as a credit or part payment of the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less a credit for the used vehicle taken in trade.

Section 3. An excise tax may be imposed by the Pickens County Commission on the storage, use or other consumption in Pickens County of tangible personal property purchased at retail on or after the date of this Act becomes effective, for storage, use or other consumption in such county at the rate of one-half of one percent of the sales price of such property, except as otherwise provided as follows:

(b) An excise tax may be imposed by the Pickens County Commission on the storage, use or other consumption in Pickens County of any automotive vehicle, truck trailer, semi-trailer, or house trailer, purchased at retail on or after the date this Act becomes effective, for storage, use or other consumption in Pickens County, at the rate of one-sixth ( $1/6$ ) of one per cent of the sales prices of such automotive vehicle, truck trailer, semi-trailer, or house trailer.

(c) Every person, storing, using, or otherwise consuming in Pickens County any tangible personal property purchased at retail shall be liable for the tax imposed by subsection (a) or (b), above, and the liability shall not be extinguished until the tax has been paid; provided, however, that a receipt from a retailer maintaining a place of business in the county showing the payment of the tax shall be sufficient to relieve the purchaser from further liability for a tax to which such receipt may refer.

Section 4. The taxes levied by this Act shall be subject to all definitions, exemptions, proceedings, rules, regulations, requirements, fines, penalties, punishments, and deductions as are provided in Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, the state sales tax law, and Article 11, Chapter 20, Title 51, Code of Alabama 1940, as amended and all acts supplementary thereto, except where inapplicable or where herein otherwise provided, all of which are adopted and made a

part hereof by reference, including the provisions for the enforcement and collection thereof. The tax levied herein shall be added to the sales price of property sold, and shall be collected from the purchaser, so that the impact of the tax will be on the consumer rather than on the retailer.

(a) Exempted from the provisions of the Act are the gross proceeds of the sale of machines in Pickens County used in mining, compounding, processing, and manufacturing of tangible personal property; provided, that the term "machines," as herein used, shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and are customarily so used.

(b) No excise tax may be imposed upon the storage, use or other consumption in Pickens County of any machine used in mining, quarrying, compounding, processing, and manufacturing of tangible personal property; provided that the term "machines," as herein used, shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts of such machine attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

(c) The gross proceeds of sales of laboratory materials sold to licensed dentists and optometrists, when such materials are used in rendering professional service, and the storage, use or consumption of such materials, shall also be exempted from the taxes levied or imposed under this Act.

Section 5 (a) The taxes levied by this Act shall be collected by the Department of Revenue of the State of Alabama, at the same time and along with the collection by that department of taxes levied and collected for the State of Alabama under the provisions of Act No. 100, H. 94, approved August 18, 1959 and Article 11, Chapter 20, Title 51, Code of Alabama 1940, and all acts amendatory thereof or supplementary thereto. All reports now required to be made to the Commissioner of Revenue hereunder shall, on request made to the department of revenue, be made available for inspection by the Pickens County Commission or its designated agent, at reasonable times during business hours. The State Department of Revenue shall prepare and distribute such reports, forms, and other information as may be necessary for the collection of the county taxes levied by this Act, and shall have all the authority and duties in connection with such taxes as are now given by law to the Department of Revenue or the Commissioner of Revenue in connection with the collection of the state sales and use taxes provided for by Act No. 100, H. 94, approved August 18, 1959 and Article 11, of Chapter 20, Title 51, Code of Alabama of 1940, and all acts amendatory thereof or supplementary thereto. It shall be the duty of the Commissioner of Revenue to pay into the State Treasury all taxes collected under this Act; and on or before the tenth day of the following month, the Commissioner shall certify to the State Comptroller the amount of special taxes collected under the provisions of this Act for the use and benefit of Pickens County during the calendar month immediately preceding the month of making such certificate. Whereupon, it shall be the duty of the Comptroller to issue his warrant on the State Treasury, payable to Pickens County, in an amount equal to the amount to certified by the Commissioner of Revenue as having been collected for the use of Pickens County and paid into the State Treasury.

(b) The State Department of Revenue shall charge Pickens County for collecting the special taxes levied by this Act such amount of percentage of total collections as may be agreed upon by the Commissioner of Revenue and the Pickens County governing body, but such charge shall not, in any event, exceed ten percent of the total amount of special county taxes collected hereunder within the county. Such charge for collecting the special taxes shall be deducted once each month from the special sales and special use taxes collected before certifying the amount of special sales and special use taxes due Pickens County for that month.

Section 6. All revenues arising from the taxes herein levied shall be used exclusively and solely for the following purposes: one-half of such revenues shall be paid to the Pickens County Hospital Association for the operation and maintenance of public hospital facilities in Pickens County, and the remaining one-half of such revenues shall be paid to the Pickens County Commission for use by it for public health purposes in Pickens County.

Section 7. The taxes levied by this Act, together with the interest and penalties which are authorized herein, shall be a lien upon the property of any person, firm or corporation liable for taxes under the provisions of this Act, and all of the provisions of the revenue laws of the State of Alabama applying to or relating to the enforcement of liens for license taxes due the State of Alabama shall apply fully to the collection of taxes levied by this Act. The taxes levied by this Act shall be in addition to all other licenses and taxes levied by law as a condition precedent to engage in any business taxable hereunder in Pickens County.

Section 8. The governing body of Pickens County shall determine the date upon which any referendum election under the provisions of this Act is to be held. The Chairman of the governing body of said county shall issue a proclamation stating the time of holding the election and the proposition to be submitted to the electors and said proclamation shall be published one time at least ten days prior to the election in a newspaper of general circulation in said county. Any such election shall be conducted pursuant to the provisions of Chapter 1 of Title 17 of the Code of Alabama of 1940, as amended.

Section 9. Should a majority of those participating in said election vote in favor of giving the governing body of the county the discretion to levy said taxes as provided herein, the governing body of Pickens County, Alabama, may in its discretion impose such tax in the amounts and under the conditions and provisions set forth in this Act.

Section 10. If any provision of this Act, or the application of such provision to any person or circumstance shall be held invalid, the remainder of this Act or the application of such provision to such person or circumstance, other than those as to which it is held invalid, shall not be affected thereby.

Section 11. All laws or parts of laws which conflict with this Act are repealed.

Section 12. This Act shall go into effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

## PROOF OF PUBLICATION

STATE OF ALABAMA  
PICKENS COUNTY

Before me, Euteal V. Junkin, a Notary Public in and for said County, personally appeared Daisy J. Junkin Publisher of The Pickens County Herald & West Alabamian, a newspaper published in said County, who, being by me first duly sworn, states that the attached notice has been regularly published once a week for 4 consecutive weeks in said paper in issues dated as follows: 8-14, 1975; 8-21, 1975; 8-28, 1975; 9-4, 1975.

DAISY J. JUNKIN.

Subscribed and sworn to before me, this the 4 day of Sept, 1975.

EUTEAL V. JUNKIN,  
Notary Public.

Also:

By Mr. Williams:

H. 1767. To amend Section 2 of Act No. 74, H. 39 of the Special Session of 1967 (Acts 1967, p. 105), as amended, entitled "An Act To apply only in Dale County; creating a board of jury supervisors in lieu of the jury commission; providing for the transfer of the power, authority, duties and jurisdiction of the jury commission to said board, and abolishing the commission; providing for the organization of the board and the times of its meetings; providing for the appointment of the members and a clerk for said board and prescribing their terms, duties and compensation," so as to decrease the membership of this board.

With notice and proof thereto attached and herewith exhibited as follows:

## LEGAL NOTICE

STATE OF ALABAMA  
COUNTY OF DALE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 2 of Act No. 74, H. 39 of the Special Session of 1967 (Acts 1967, p. 105), as amended, entitled "An Act To apply only in Dale County; creating a board of jury supervisors in lieu of the jury commission; providing for the transfer of the power, authority, duties and jurisdiction of the jury commission to said board, and abolishing the commission; providing for the organization of the board and the times of its meetings; providing for the appointment of the members and a clerk for said board and prescribing their terms, duties and compensation," so as to decrease the membership of this board.

Be It Enacted by the Legislature of Alabama:



Section 1. Section 2 of Act No. 74, H. 39 of the Special Session of 1967 (Acts 1967 p. 105) as amended is hereby amended to read as follows:

“Section 2. The board of jury supervisors shall be composed of five members, with each county commission's district to be represented in the membership of the board by a qualified elector of the district. Such members of the board together with a clerk for the board shall be appointed by the governor for and only during the tenure of office of the governor making the appointment and until their successors are appointed and qualified. Said clerk shall take the oath of office, assist the members of the board in maintaining adequate and sufficient names on the jury rolls, and perform all the duties now required by law of clerks of jury boards and jury commissions in this State. Said clerk shall receive for his services a salary of fifty dollars (\$50) per month, to be paid out of the county treasury upon the order of the president of the board of jury supervisors.”

Section 2. This act shall become effective upon its passage by the Legislature and its approval by the Governor, or when it may otherwise become law.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF DALE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Joseph H. Adams, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Southern Star, a newspaper of general circulation published in Dale County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 9, 16, 23, and 30, all in the year 1975.

JOSEPH H. ADAMS.

Sworn to and subscribed before me September 3, 1975.

IRENE MATHIS,  
Notary Public.

Also:

By Mr. Venable:

H. 1779. Relating to Elmore County; to amend Section 4 of Act No. 997, H. 1177, Regular Session 1971 (Acts 1971, Vol. III, p. 1811), to further provide for the use of funds derived from the sale of pistol permits.

With notice and proof thereto attached and herewith exhibited as follows:

##### STATE OF ALABAMA COUNTY OF ELMORE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Elmore County; to amend Section 4 of Act No. 997, H. 1177, Regular Session 1971 (Acts 1971, Vol. III, p. 1811), to further provide for the use of funds derived from the sale of pistol permits.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act No. 997, H. 1177, Regular Session 1971 (Acts 1971, Vol. III, p. 1811), is amended to read as follows:

"Section 4. All fees derived from the sale of pistol permits shall be paid into an account in a bank of the sheriff's choice and one-fifth shall be paid by him to the county general fund and the remaining four-fifths may be drawn on and used at the sole discretion of the sheriff for the purchase of equipment, materials and supplies as needed by the sheriff's department, or for anything pertaining to law enforcement."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF ELMORE

Before me, the undersigned authority in and for said County in said State, this day personally appeared John P. Harris, Sr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the The Wetumpka Herald, a newspaper of general circulation published in Elmore County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on August 7, August 14, August 21, and August 28, all in the year 1975.

JOHN P. HARRIS, SR.

Sworn to and subscribed before me August 28th, 1975.

MRS. ELLEN T. HARRIS,  
Notary Public.

Also:

By Mr. Venable:

H. 1780. Relating to Elmore County; relieving the board of registrars of such county from the duty of visiting precincts or voting places in the performance of their duties and prescribing certain other meeting places in lieu thereof.

With notice and proof thereto attached and herewith exhibited as follows:

##### STATE OF ALABAMA COUNTY OF ELMORE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Elmore County: relieving the board of registrars of such county from the duty of visiting precincts or voting places in the performance of their duties and prescribing certain other meeting places in lieu thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the board of registrars of Elmore County are relieved of the duty of visiting the county precincts in the performance of their official duties as provided in Code of Alabama 1940, Title 17, Section 26, as amended; and in lieu thereof shall meet in Eclectic, Millbrook, Tallassee, and Wetumpka to receive applications for registration for the same number of days as provided by law for meeting in each precinct to register voters.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF ELMORE

Before me, the undersigned authority in and for said County in said State, this day personally appeared John P. Harris, Sr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the The Wetumpka Herald, a newspaper of general circulation published in Elmore County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on August 7, August 14, August 21, and August 28, all in the year 1975.

JOHN P. HARRIS, SR.

Sworn to and subscribed before me August 28th, 1975.

MRS. ELLEN T. HARRIS,  
Notary Public.

Also:

By Mr. Venable:

H. 1781. Relating to Elmore County; to provide further for expense allowances for members of the Elmore County Board of Registrars.

With notice and proof thereto attached and herewith exhibited as follows:

**STATE OF ALABAMA  
COUNTY OF ELMORE**

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

**A BILL  
TO BE ENTITLED  
AN ACT**

**Relating to Elmore County; to provide further for expense allowances for members of the Elmore County Board of Registrars.**

**Be It Enacted by the Legislature of Alabama:**

**Section 1.** The members of the board of registrars of Elmore County shall be entitled to an expense allowance of fifteen dollars (\$15.00) per day for each day's attendance on sessions of the board. Such expense allowance shall be in lieu of any other expense allowance provided by law. Such expense allowance shall be paid out of the general fund of the county on certificates signed by the chairman of the board, and shall be in addition to the pay of such officers paid by the state.

**Section 2.** All laws or parts of law which conflict with this Act are hereby repealed.

**Section 3.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

**PROOF OF PUBLICATION**

**STATE OF ALABAMA  
COUNTY OF ELMORE**

Before me, the undersigned authority in and for said County in said State, this day personally appeared John P. Harris, Sr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the The Wetumpka Herald, a newspaper of general circulation published in Elmore County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on August 7, August 14, August 21, and August 28, all in the year 1975.

**JOHN P. HARRIS, SR.**

Sworn to and subscribed before me August 28th, 1975.

**MRS. ELLEN T. HARRIS,  
Notary Public.**

Also:

**By Messrs. Starkey and Lutz:**

**H. 1775.** Relating to counties with populations of not less than 38,100 nor more than 40,500 inhabitants according to the most recent

federal decennial census; providing for an additional expense allowance for county judges of such counties, payable from the county general fund.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. B.'s 1740, 1742, 1736, 1756, 1750, 1751, 1767, 1779, 1780, 1781 and 1775. To the Committee on Local Legislation No. 1.

(The above-numbered Bill, H. B. 1736, was read at length as required by the Constitution.)

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Folmar:

H. 1323. To amend Act No. 399, H. 78, 1969 Regular Session, [Acts 1969, p. 773; now appearing in Code of Alabama Recompiled 1958, Title 26, Section 166 (115-117)] known as the Alabama Surface Mining Act of 1969, relative to the amount of filing fees for surface mining permits and of reclamation bonds; to authorize the Director of Industrial Relations to establish certain rules and regulations, appoint advisory committees, refuse to issue permits under certain conditions; to more clearly define water pollution and controls; to eliminate land substitutions; to modify reclamation procedures; and to establish a special fund for monies received as fees, penalties and forfeitures.

Also:

By Messrs. Merrill, Owens, Robertson, McNair, Coburn, Crowe, Goodwin, Greer, Starkey and McMillan:

H. 335. To propose and provide for the submission of an amendment to the Constitution of Alabama authorizing the issuance of not exceeding a total of \$9,000,000 principal amount of General Obligation Bonds of the State of Alabama of which \$7,000,000 shall be for the acquisition, construction, equipment and improvement of mental health facilities, including security medical facilities for persons requiring security during treatment, and \$2,000,000 shall be for the acquisition, construction, equipment and improvement of a seed technology center and a seed processing facility.

Also:

By Messrs. Merrill, Owens, McNair, Coburn, Crowe, Goodwin, Greer, Starkey and McMillan:

H. 334. To authorize the sale and issuance of not exceeding \$9,000,000 principal amount of general obligation bonds of the State of Alabama for the purpose of acquiring, constructing, equipping and

improving mental health facilities, including security medical facilities for persons requiring security during treatment, and a seed technology center and a seed processing facility; to pledge the full faith and credit of the state for payment of the principal of and interest on said bonds; to create a bond commission with authority to specify the details of and to make provisions for the sale of and to sell said bonds; and to make provision for the terms, execution, and issuance of said bonds and the use of the proceeds therefrom.

Also:

By Messrs. Merrill, Owens, Robertson, McNair, Coburn, Crowe, Goodwin, Greer, Starkey and McMillan:

H. 333. To authorize the establishment of a security medical facility under the jurisdiction of the Alabama Mental Health Board; to establish sources and procedures for admission to said facility; and to provide for the charges for the cost of treatment.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B.'s 1323, 335 and 334. To the Committee on Finance and Taxation.

H. B. 333. To the Committee on Health and Welfare.

(The above-numbered Bill, H. B. 335, was read at length as required by the Constitution.)

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Turnham, Smith (M), Higginbotham, Baker and Whatley:

H. J. R. 335. COMMENDING THE ALABAMA AGRICULTURAL EXPERIMENT STATIONS AND NOTING APPRECIATION DAY FOR 1975, ON NOVEMBER 13, 1975, TO PROVIDE RECOGNITION FOR THEIR 100 YEARS OF SERVICE.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 335, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Mitchem:

H. J. R. 336. CONGRATULATING MCMILLAN LANE, COMMISSIONER OF AGRICULTURE AND INDUSTRIES, FOR HIS APPOINTMENT AS CHAIRMAN OF THE RURAL DEVELOPMENT COMMITTEE OF THE NATIONAL ASSOCIATION OF STATE DEPARTMENTS OF AGRICULTURE.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. McDonald (S), the Rules were suspended and the Resolution, H. J. R. 336, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Messrs. Callahan, Carothers, Sonnier, Sandusky, Waggoner, Armstrong, Lutz, Jackson (R), Hilliard, Hopping, Tucker, Malone, Folmar, Venable, Hines, LeFlore, Clark and Glass.

H. 743. To be known as the Alabama Alcoholic Beverage Control Act; to regulate and control the manufacture, purchase, bottling, sale, distribution, transportation, handling, advertising, possession, dispensing and drinking and use of alcoholic beverages; to establish an alcoholic beverage control board to regulate and control transactions in alcoholic beverages which take place in Alabama and to prohibit such transactions, except by and under the control of the board; to restrict the effect of the Act to wet counties and wet municipalities; to define and provide for the administration, functions, duties, powers and regulations of, and for receipt, disposition and use of profits of, the board; to provide for the appointment, term of office, suspension, removal, compensation, cost and expense of such board and its members, officers, agents and employees, and its administrator; to provide for the management and operation of and sales by liquor stores; to create an ABC working capital fund and to provide for use thereof; to create an ABC revolving fund from stores fund and to provide for use thereof; to authorize licensing to engage in alcoholic beverage transactions, and provide for application for, and issuance and renewal of, and regulation of the grant of licenses; to impose, levy and authorize state, county and municipal license fees for engaging in manufacture, warehousing, wholesale, or retail sale of alcoholic beverages; to prescribe penalties, including suspension or revocation of licenses and fines against licensees, for violation of laws relating to manufacture, sale, possession or transportation of alcoholic beverages; to provide for sale and possession of draft or keg beer; to prohibit interlocking businesses and interest; to proscribe unlawful acts and offenses and provide for punishment therefor; to prescribe penalties for any violation of the Act or

any rule or regulation promulgated by board and to provide punishment and alternate punishment therefor; to provide for supervision of sales and distributions of alcoholic beverages and the collection of licenses and taxes levied by the Act; to impose and levy a tax on sale of beer of 5¢ for each twelve fluid ounces or fraction and to impose and levy a tax on table wine of \$.95 per fluid gallon or 25-1/10¢ per liter, and provide for the collection and distribution thereof; to impose and levy tax on the sale of liquor at the rate of 28% upon the selling price and provide for the collection and distribution of the proceeds thereof; to provide for inspections of manufactures or distributors and to levy inspection fees; to provide for non-taxable sales; to provide for execution for unpaid taxes or penalties; to authorize stamps, crowns, and lids and prescribe time and method of affixing and distribution thereof; to provide report of drop shipments; to provide for sales and reports by wholesalers; to provide for the report or receiving or bringing into state beverages not having stamps, crowns or lids affixed; to provide for keeping and preservation of records concerning receipts, storage, sale and handling of alcoholic beverages and prescribe punishment for failure to comply; to require statements from and examination of record of carriers transporting alcoholic beverages; to provide for the confiscation and disposition of goods and articles declared to be contraband; to enforce the payment of taxes by inspection and to prescribe penalties for interfering with inspection; to prescribe penalties for failing to affix stamps and to permit a trial by jury; to prescribe penalties for fraud in the use or re-use of stamps, crowns or lids, for counterfeiting of stamps, crowns or lids and illegal possession of unattached revenue stamps, crowns or lids; to provide for election to determine classification of county as wet or dry county; to provide for special method referendum to determine classification of county as wet or dry county and to impose conditions governing sales under special method referendum; to provide for election to determine whether draft or keg beer may be sold or dispensed within a wet county; to provide for refund on overpayment or erroneous payment on taxes of licenses to board; to repeal all laws or parts in conflict herewith or insofar as inconsistent herewith; to amend Act No. 863, Acts of Alabama 1973 (p. 1351), Act No. 1053, Acts of Alabama 1973 (p. 1688), and Act No. 1054, Acts of Alabama 1973 (p. 1693), to amend Title 29, Chapter 3, Code of Alabama 1940, and all acts amendatory thereof, supplementary thereto or substituted therefor to make the same consistent with the provisions of this Act.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 743. To the Committee on State Government.

Mr. Fine moved that the above Bill, H. B. 743, be re-referred to the Standing Committee on Finance and Taxation, which motion was adopted, and the President and Presiding Officer of the Senate referred the Bill, H. B. 743, to the Standing Committee on Finance and Taxation.



## FURTHER CONSIDERATION OF H. B. 899

The Senate proceeded to further consideration of the Bill:

H. 899. Relating to the regulated loan business; providing for regulation, examination, investigation, and licensing of individuals, firms, and corporations engaged in the business of making regulated loans and for the suspension and revocation of licenses issued hereunder for specified reasons; prescribing maximum rates of interest and other charges for loans; providing for the administration and enforcement of the Act, prescribing penalties, providing for the proper repeal of existing laws, including Section 18 (f) of Act No. 2052, S. B. 122 of the Regular Session of 1971, approved October 1, 1971, relating to loans over \$300.00 and Act No. 374, H. B. 102 of the Regular Session of 1959, approved November 6, 1959, relating to the small loan business and Act No. 159, H. B. 233, approved June 23, 1945 (General Acts of Alabama, 1945, page 200), relating to the small loan business and providing for regulation of the same.

The question was on the amendment offered by Mr. Torbert.

Mr. Stewart offered the following amendment to the Torbert amendment to the Bill, H. B. 899, to-wit:

## AMENDMENT TO TORBERT AMENDMENT TO H. B. 899

Amend the Torbert amendment by changing the figure on line 6 from \$1000.00 to \$4000.00.

On motion of Mr. Torbert, said amendment was laid on the table.

Mr. Stewart then offered the following amendment to the Torbert amendment to the Bill, H. B. 899, to-wit:

## AMENDMENT TO TORBERT AMENDMENT TO H. B. 899

Amend the Torbert amendment by inserting on line 6 for the sum \$1000.00 the sum \$2000.00.

On motion of Mr. Torbert, said amendment was laid on the table.

Mr. Torbert offered the following substitute for the Bill, H. B. 899 and pending amendment, to-wit:

SUBSTITUTE FOR H. B. 889  
AND PENDING AMENDMENTA BILL  
TO BE ENTITLED  
AN ACT

Relating to the regulated loan business; providing for regulation, examination, investigation, and licensing of individuals, firms, and corporations engaged in the business of making regulated loans and for the suspension and revocation of licenses issued hereunder for specified reasons; prescribing maximum rates of interest and other charges for loans; providing for the administration and enforcement of the Act, prescribing penalties, providing for the proper repeal of existing laws, including Section 18(f) of Act No. 2052, S. B. 122 of the Regular Session of 1971, approved October 1, 1971, relating to loans over \$300.00 and Act No. 374, H. B. 102 of the Regular Session of 1959, approved November 6, 1959,

relating to the small loan business and Act No. 159, H. B. 233, approved June 23, 1945 (General Acts of Alabama, 1945, page 200), relating to the small loan business and providing for regulation of the same.

Be It Enacted by the Legislature of Alabama:

Section 1. Declaration of Legislative Intent. The Legislature finds as facts and determines that:

1. There exists among citizens and businesses of this state a widespread demand for regulated loans. The scope and intensity of this demand has increased progressively and dramatically by the force of many social and economic trends.

2. Such loans are provided by private, regulated lenders who provide lendable funds without benefit of insured savings and demand deposits and who secure capital privately, largely through national commercial money markets which operate without regard to state boundaries. The expense of securing capital through such markets, of making loans of this nature, and of collecting such loans is necessarily high because of the amounts generally lent, the security taken and the amount of risk assumed.

3. Present limitations imposed by existing law relating to amount to be lent, terms, interest and usury prevent the making of such loans on a profitable basis. These limitations restrict the availability of regulated loans in the amounts and for the terms that Alabama's citizens and businesses have a right to expect and enjoy.

4. Since the demand for such loans cannot be repealed by law, many rightful borrowers are either being denied credit or are being left to the mercy of those willing to risk the grievous penalties of usury for an unreasonably high profit. In either case, the hardships created in the State are such that a prudent public policy should not permit them.

5. Legislation to control regulated loans is necessary to protect the public and to make available a supply of regulated credit to Alabama's citizens and businesses that a sound public policy dictates.

6. It is the intent of the Legislature in this enactment to bring under public supervision those engaged in the business of making regulated loans, to eliminate practices that facilitate abuse of borrowers, to establish a system of regulation for the purpose of insuring honest and efficient regulated loan service, to allow lenders who meet the conditions of this Act a rate of charge sufficient to provide a reasonable supply of regulated loan credit to the citizens of Alabama, and to provide the administrative machinery necessary for effective enforcement.

Section 2. Definitions. The following words and terms when used in this Act shall have the following meanings unless the context clearly requires a different meaning. The meaning ascribed to the singular form shall also apply to the plural.

"Person" shall include individuals, co-partnerships, associations, trusts, corporations, and any other legal entities.

"License" shall mean a license, issued under the authority of this Act, to make loans in accordance with the provisions of this Act at a single place of business.

"Licensee" shall mean a person to whom one or more licenses have been issued, for said person to make regulated loans as authorized hereunder.

"Supervisor" shall mean the Supervisor of the Bureau of Loans of the State Banking Department.

"Bureau" shall mean the Bureau of Loans of the State Banking Department.

"Cash Advance" means the amount of cash or its equivalent that the borrower actually receives or is paid at his direction or on his behalf. Cash Advance is also known as the "original unpaid principal balance" on a loan.

The terms "consecutive periodic installments", "equal periodic intervals", and "approximate equal periodic intervals" shall mean that the intervals of time between installment due dates of a loan contract are to be of the same approximate duration; provided however, a contract may provide for an interval of time between the making of a loan and the first installment due date that is different from the interval of time between the other scheduled installment due dates in said contract; and provided further, the foregoing definition shall not be construed so as to permit a term of a loan longer than otherwise permitted in this Act.

Section 3. Scope. (a) No person, without having first obtained a license from the Supervisor, shall engage in the business of regulated lending and make any charge in connection with any loan, the aggregate of which is greater than the interest that he would be permitted by other applicable law to charge for a loan if he were not a licensee under this Act; provided however, this sub-section is subject to the provisions of Section 21 of this Act.

(b) Exemptions. This Act shall not apply to any person doing business under the authority of, and as permitted by, any law of this State or of the United States relating to Banks, Savings Banks, Trust Companies, Savings or Building and Loan Associations, Life Insurance Companies, Credit Unions as defined by law nor to any lawful, bona fide pawnbroking business, nor shall this Act apply to any person making loans to their tenants engaged in agriculture, nor to loans by agricultural suppliers to persons whose principal business is farming, nor shall it apply to agricultural credit corporations or associations organized under an Act of Congress of the United States, nor shall it apply to any person regularly engaged in the business of selling motor vehicles, refrigerators or other personal property but this prohibition shall not be construed so as to prevent a licensee from lending money to a borrower for the purpose of purchasing such items, nor shall this apply to loans insured or guaranteed by the United States or any of its agencies, nor shall this Act apply to any person making loans under the provisions of Act No. 3 of the 1969 Regular Session (General Acts Alabama, Regular Session 1969, p. 297), nor shall this Act apply to any person making loans under the provisions of Act No. 4 of the 1969 Regular Session (General Acts Alabama, Regular Session 1969, p. 297), nor shall this Act apply to business transacted under Act No. 2052 of the 1971 Regular Session, approved October 1, 1971, as amended.

(c) Evasions. The provisions of sub-section (a) of this Section shall apply to any person who seeks to evade its application by any device, subterfuge, or pretense whatsoever including, but not thereby limiting the generality of the foregoing; the loan forbearance, use, or sale of credit (as guarantor, surety, endorser, co-maker, or otherwise), money, insurance, goods, or things in action; the use of collateral or related sales or purchases of goods or services, or agreements to sell or purchase, whether real or pretended; receiving or charging compensation for goods or services, whether or not sold, delivered or provided and the real or pretended

negotiation, arrangement, or procurement of a loan through any use of activity of a third person, whether real or fictitious.

(d) Penalties. (1) Whoever violates or participates in the violation of any provision of this Section shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars (\$500) nor less than one hundred dollars (\$100), or by imprisonment for not more than six months, or both; such fine and imprisonment, in the discretion of the court. Any contract of loan in the making or collection of which any act shall have been done which violates this section shall be void and the lender shall have no right to collect, receive, or retain any principal, interest or charges whatsoever.

(2) Any licensee, who, in the making or collecting of any loan, violates the provisions herein and refuses for 30 days following notice of such alleged violation to correct such violation shall forfeit all charges previously collected thereon and all charges scheduled to become due thereon. In the event litigation becomes necessary and the courts find in favor of the plaintiff the licensee shall pay the reasonable attorney fees of the plaintiff and/or upon hearing before the Supervisor, be subject to, if the facts then warrant, having the license suspended or revoked in accordance with the provisions of Section 8 of this Act. Upon such suspension or revocation, the Supervisor shall, if he then deems it necessary, be entitled to petition the Court in which the license is situated, for the appointment of a receiver to take over the business of the licensee during the period of suspension or to wind up the business in the event of a revocation, the cost and expense of which shall be taxed against said licensee.

A licensee shall not be held to have violated the provisions of this Act if said licensee is operating in accordance with and pursuant to regulations promulgated and enforced by the Supervisor. It is the intent of the Legislature that the regulations of the Supervisor are true and correct, until such time and in the event the Court reverses the Supervisor.

In the event a licensee violates any provision of this Act which also constitutes a violation of federal law, then the licensee shall be subject to the penalties of the federal law and the penalties of this Act shall not be applicable to that violation which constitutes a violation of the federal law.

Nothing herein shall be construed so as to deny the rights of the licensee to litigate the construction, interpretation, enforcement or regulation of this Act or of the actions of the Supervisor.

Section 4. Application and Fee. Application for an original license shall be in writing, under oath, and in the form prescribed by the supervisor. Said application shall give the approximate location where the business is to be conducted and shall contain such further relevant information as the supervisor may require, including the names and addresses of the partners, officers, directors, or trustees, and of such of the principal owners or members as will provide the basis for the investigations and findings contemplated by Section 5 of this Act. at the time of making said original application, the applicant shall pay to the supervisor the sum of one hundred dollars (\$100) as a fee for investigating the application. All licensees under this Act shall pay an annual license of three hundred dollars (\$300) which shall be due on October 1 of each year and shall be for one year ending September 30 following, and shall be delinquent on the first day of November of each year. And there shall be a penalty of ten percent (10%) added to such license upon delinquency and

collected by the bureau. If any applicant licensed under this Act for the first time shall commence business after the first day of April in any year, the amount of the license shall be one-half of the amount of a full year's license. The amount of the license (and penalties if any) shall be paid to the supervisor of the bureau of loans, who shall remit the same to the treasurer of the State of Alabama as provided by law. The license herein provided for shall be in addition to all other licenses now or hereafter provided for by law, and shall be in addition to the tax provided for by Chapter 18, Title 51, Code of Alabama (1940) as amended; and the amount of the license levied by this section shall not be credited upon or deducted from, in whole or in part, the tax levied by said Chapter 18, as amended, as to the current state tax year or as to any prior or subsequent state tax year. No refunds for the current or any prior or subsequent state tax year or any portion of the tax levied by said Chapter 18, as amended, shall be made on the ground that the license levied by this section was not credited upon or deducted from the tax levied by said Chapter 18, as amended; and no suit or action shall lie to enforce any claim for such refund. The provisions of this Section are subject to the provisions of Section 21 of this Act.

Section 5. (a) Investigation of Application. Upon the filing of such application and the payment of such fees, the supervisor shall investigate the facts concerning the application and the requirements provided for in subsection (b) of this section. The supervisor shall grant or deny such application for a license within ninety days from the filing thereof with the required information and fees unless the period is extended by written agreement between the applicant and the supervisor.

(b) Issuance of License. If the supervisor shall find that the liquid assets, financial responsibility, experience, character, and general fitness of the applicant are such as to warrant the belief that the business will be operated lawfully, honestly, fairly, and efficiently, within the purposes of this Act, that the applicant has assets available for the operation of business under this Act of at least \$25,000.00, and that allowing such applicant to engage in the business would promote the convenience and advantage of the community in which the business of the applicant is to be conducted, he shall thereupon enter an order granting such application, and file his findings with the bureau, and forthwith issue and deliver a license to the applicant; but this provision is subject to the provisions of Section 21.

(c) Denial of License. If the supervisor shall not so find, he shall notify the applicant in writing who may request a hearing on the application. The request for a hearing must be within thirty (30) days of the rejection with the hearing to be held within thirty (30) days of the date of the request. After such hearing, or, if no hearing is demanded, the supervisor may deny such application by written order, accompanied by his findings of fact, and shall deliver a copy of such order and findings to the applicant. The investigation fee shall be retained by the supervisor while the license fee shall be returned to the applicant.

Section 6. (a) Posting of License. Each license shall state the address at which the business is to be conducted and shall state fully the name of the licensee, and if the licensee is a co-partnership or association, the names of the members thereof, and if a corporation, the date and place of its incorporation. Each license shall be kept conspicuously posted in the licensed place of business and shall not be transferable or assignable.

(b) Continuing License. Each license shall remain in full force and effect until surrendered, revoked, or suspended as hereinafter provided.

Section 7. (a) Place of Business. Not more than one place of business shall be maintained under the same license, but the supervisor may issue additional licenses to the same licensee upon his compliance with all the provisions of this Act governing the issuance of the first or original license.

(b) Removal. When a licensee wishes to change his place of business, he shall give written notice thereof to the supervisor who shall investigate the facts and if he shall find the proposed location is reasonably accessible to borrowers under existing loan contracts, he shall enter an order permitting the change and shall amend the license accordingly. If the supervisor shall not so find he shall enter an order denying the licensee such permission in the manner specified in and subject to the provisions of Section 5(c) of this Act.

(c) Residence of Borrower. Nothing in this Act shall be construed to restrict the loans of any licensee to residents of the community in which the licensed place of business is situated.

Section 8. (a) Revocation of License. The supervisor may, upon ten days' written notice to the licensee stating the contemplated action and in general the grounds therefor, and upon reasonable opportunity to be heard, revoke any license issued hereunder if he finds that:

1. The licensee has failed to pay the annual license fee; or that
2. The licensee, either knowingly or without the exercise of due care to prevent the same, has violated any provisions of this Act or any regulation or order lawfully made pursuant to and within the authority of this Act; or that
3. Any fact or condition exists which, if it had existed or had been known to exist at the time of the original application for such license, clearly would have justified the supervisor in refusing originally to issue such license, except the license shall not be revoked because of convenience and advantage; or that
4. The licensee is found guilty by the supervisor of using unreasonable collection tactics.

(b) Suspension of License. If the supervisor finds that probable cause for revocation of any license exists and that enforcement of the Act requires immediate suspension of such license pending investigation, he may, upon three days' written notice and a hearing, enter an order suspending such license for a period not exceeding thirty days.

(c) Records and Notice. Whenever the supervisor shall revoke or suspend a license issued pursuant to this Act, he shall enter an order to that effect, and forthwith notify the licensee of the revocation or suspension. Within five days after the entry of such an order he shall file with the bureau his findings and a summary of the evidence supporting them, and he shall forthwith deliver a copy thereof to the licensee.

(d) Surrender of License. Any licensee may surrender any license by delivering it to the supervisor with written notice of its surrender, but such surrender shall not affect his civil or criminal liability for acts committed prior thereto.

(e) Pre-Existing Contracts. No revocation, suspension or surrender of any license shall impair or affect the obligation of any pre-existing contracts between the licensee and the borrower.

(f) **Reinstatement of License.** The supervisor may reinstate suspended licenses or issue new licenses to a person whose license or licenses have been revoked if no fact or condition then exists which clearly would have justified the supervisor in refusing originally to issue such license under this Act.

(g) **Complaints of Violation Investigated.** The supervisor shall, upon sworn complaint of any borrower, investigate or cause to be investigated any alleged violation of this Act.

**Section 9. (a) Annual Examinations of Licensees.** At least once each year and at such other time as may be deemed necessary by the supervisor of the bureau of loans an examination shall be made of the place of business of each licensee and of the loans, transactions, books, papers and records of such licensee so far as they pertain to the business licensed under this Act or other business done in a licensed office. As cost of examination the licensee shall pay to the bureau of loans under such rules and regulations as may be reasonably prescribed by the supervisor thereof with the approval of the superintendent of banks an examining fee of seventy-five dollars (\$75) per day or any part thereof for each examiner and in addition thereto twenty dollars (\$20) per day per examiner as per diem, or such Uniform per diem as authorized for state employees; provided, however, that no licensee whose business is free from willful violations of this Act shall be required to pay more than a total sum of eight hundred dollars (\$800) in any twelve (12) month period as examiners' fees; provided further, that all fees collected by the bureau of loans under the terms of this section shall be paid into a special fund to be set up by the State Treasury; the special fund shall be used to pay the salaries of the officials and employees and the expenses of the bureau of loans and all moneys deposited therein are hereby appropriated for that purpose; provided, however, nothing herein shall be construed to mean that all salaries of the officials and employees and expenses of operating the bureau of loans shall come from the special fund.

(b) **Investigations.** For the purpose of discovering violations of this Act or of securing information lawfully required hereunder, the supervisor or his duly authorized representatives may at any time investigate the business and examine the books, accounts, papers, and records used therein, of (1) any licensee, (2) any other person engaged in the business described in Section 3(a) of this Act or participating in such business as principal, agent, broker, or otherwise, and (3) any person who the supervisor had reasonable cause to believe is violating or is about to violate any provision of this Act, whether or not such person shall claim to be within the authority or beyond the scope of this Act. for purposes of this section, any person who shall advertise for, solicit, or hold himself out as willing to make regulated loan transactions of the type described in Section 3(a) shall be presumed to be engaged in the business described in Section 3(a) of this Act.

(c) **Access to Records: Witnesses.** For the purposes of this section, the supervisor or his duly authorized representatives shall have and be given free access to the offices and places of business, files, safes, and vaults of all such persons, and shall have authority to require the attendance of any person and to examine him under oath relative to such loans or such business or to the subject matter of any examination, investigation, or hearing.

(d) **Cease and Desist Orders: Injunctions; Receivers.** Whenever the supervisor has reasonable cause to believe that any person is violating or is

threatening to or intends to violate any provision of this Act, he may in addition to all actions provided for in this Act, and in addition to all other remedies that he may have at law or in equity, and without prejudice thereto enter an order requiring such person to desist or to refrain from such violation; and an action may be brought on the relation of the Attorney General or the supervisor to enjoin such person from engaging in or continuing such violation or from doing any act or acts in furtherance thereof. In any such action, an order or judgment may be entered awarding such preliminary or final injunction as may be deemed proper. In addition to all other means provided by law for the enforcement of a restraining order or injunction, the court in which such action is brought shall have power and jurisdiction to impound, and to appoint a receiver for the property and business of the defendant, including books, papers, documents, and records pertaining thereto or so much thereof as the court may deem reasonably necessary to prevent violations of this Act through or by means of the use of said property and business. Such receiver, when appointed and qualified, shall have such powers and duties as to custody, collection, administration, winding up, and liquidation of such property and business as shall from time to time be conferred upon him by the court.

Section 10. (a) Books and Records. Each licensee shall keep and use in his business such books, accounts, and records as will enable the supervisor to determine whether such licensee is complying with the provisions of this Act and with the orders and regulations lawfully made by the supervisor hereunder. Each licensee shall preserve such books, accounts, and records for at least two years after making the final entry on any loan recorded therein.

(b) Annual Reports. (1) Each licensee shall annually, on or before the first day of May, file a report with the supervisor as to each licensed place of business under this Act, covering the preceding calendar year. This report shall include the following information, all reported in accordance with sound and generally accepted accounting practice:

- (a) Balance sheets at the beginning and end of the period.
- (b) A statement of income and expense for the period.
- (c) A reconciliation of surplus or net earnings with the balance sheets.
- (d) A schedule of assets used and useful in the business.
- (e) An analysis of charges, sizes of loans, and types of security on loans and on analysis of delinquent accounts.
- (f) An analysis of suits, repossessions and sales of chattels.
- (g) The type of business organization and if the licensee is a corporation, the principal officers and the resident agent, the partners, if the licensee is a partnership or, the owner, if a sole proprietorship.

(2) If the licensee conducts other business or is affiliated with other licensees under this Act, or, if any other situation exists under which allocations are necessary, the licensee shall make such allocation according to appropriate and reasonable methods.

(3) If the licensee is affiliated with other licensees under this Act, a composite report may be filed on behalf of all affiliated licensees within the State of Alabama, but such composite report shall not be required by the supervisor.



(4) Such report shall be made under oath and shall be in the form prescribed by the supervisor who shall make and publish annually an analysis and recapitulation of such reports.

Section 11. (a) Rules, Regulations and Orders. The supervisor shall have authority to make reasonable rules, regulations and orders for the administration and enforcement of this Act, in addition hereto and not inconsistent herewith. Such regulation or order shall be referenced to the section or sections of the Act which set forth the legislative standard which it interprets or to which it applies. Every regulation shall be promulgated by an order, and any ruling, demand, requirement, or similar administrative act may be promulgated by an order. Every order shall be in writing, shall state its effective date and the date of its promulgation, and shall be entered in an indexed permanent book which shall be a public record. A copy of every order promulgating a regulation and of every other order containing a requirement of general application shall be mailed to each licensee at least ten days before the effective date thereof. The failure of a licensee to receive a copy of the regulations shall not exempt him from the duty of compliance with the valid regulations lawfully issued.

(b) Certified Copies of Official Documents. On application of any person and payment of the costs thereof, the supervisor shall furnish, under his seal and signed by him or his deputy, a certified copy of any license, regulation, or order. In any court or proceeding such copy shall be prima facie evidence of the fact of the issuance of such license, regulation or order.

Section 12. Advertising. No licensee or other person subject to this Act shall advertise, display, distribute, or broadcast, or cause to permit to be advertised, displayed, distributed, or broadcast, in any manner whatsoever, any false, misleading, or deceptive statement or representation with regard to the rates, terms, or conditions for regulated loans. The supervisor may require that charges or rates of charge, if stated by a licensee, be stated fully and clearly in such manner as he may deem necessary to prevent misunderstanding thereof by prospective borrowers. The supervisor may permit licensees to refer in their advertising to the fact that their business is under state supervision, subject to conditions imposed by him to prevent an erroneous impression as to the scope or degree of protections provided by this Act.

Section 13. (a) Other Business in Same Office. No licensee shall conduct the business of making loans under this Act within any office, suite, room or place of business in which any other business is solicited or engaged in or in association or conjunction with any other business until three days' written notice of an intention so to do has been given the supervisor. Upon receipt of written notification, the supervisor may investigate the facts and, if he finds that the character of the licensee and the nature of the other business warrant belief that such conduct of business would conceal violation or evasion of this Act or of regulations lawfully made hereunder, he shall enter an order directing the licensee to discontinue said other business. The order shall be entered in the manner specified in and subject to the provisions of Section 5(c) of this Act. Provided however, within any premises used by a licensee hereunder for the purpose of making loans hereunder, a licensee, or an affiliate of the licensee, may, without notice to or approval from the supervisor, solicit, engage in and operate any of the following businesses, to wit:

(a) Business of purchasing from dealers and others, existing promissory notes, accounts, account receivables and other obligations of third parties;

(b) Business of lending money pursuant to any other law of this State;

(c) Business of selling, writing and/or issuing all types of insurance authorized by this Act; and

(d) Business of selling repossessed collateral.

(b) Business Confined to Licensed Office. No licensee shall conduct the business of making loans provided for by this Act under any name, or at any place of business within this state, other than that stated in the license. Nothing herein shall prevent the making of loans by mail nor prohibit accommodations to individual borrowers when necessitated by sickness or other emergency situations.

(c) Liens on Real Estate. No licensee shall take a lien upon real estate as security for any loan with an original principal amount of one thousand dollars (\$1,000.00) or less where such real estate is the principal place of residence of the borrower in which he resides on the date of such loan; except where such lien is created by law through a rendition or recording of a judgment. Nothing herein shall limit the right of a licensee to finance the sale of its own real estate.

Section 14. (1) Maximum Rates of Interest and Charge. Every licensee hereunder may contract for and receive interest on any regulated loan of money an amount at a rate not exceeding three per cent (3%) a month on that part of the unpaid principal balance not in excess of two hundred dollars (\$200), two per cent (2%) a month on that part of the unpaid principal balance in excess of two hundred dollars (\$200) but not exceeding three hundred dollars (\$300) and one and one-half per cent (1½%) a month on that part of the unpaid principal balance in excess of three hundred dollars (\$300), but not exceeding four thousand dollars (\$4,000.00); provided however, if the cash advance on any regulated loan exceeds four thousand dollars (\$4,000.00), a licensee may contract for and receive interest not in excess of one and one-half per cent (1½%) a month on the amount of unpaid principal balances from time to time outstanding.

(2) Charges on Loans of One Hundred Dollars (\$100) or Less. On a cash advance of one hundred dollars (\$100) or less a licensee may charge, in lieu of charges specified in subsection (1) of this section, not in excess of three dollars (\$3) per month for the term of the loan contract, provided that monthly payments of thirteen dollars (\$13) or more shall be required; and provided further, such charges cannot be assessed by any subterfuge or device on any loan over one hundred dollars (\$100) or on any balance of one hundred dollars (\$100) or less when the original cash advanced was greater than one hundred dollars (\$100).

(3) Installment Maintenance Fee. In addition to all other charges made and provided for herein, on any loan with a cash advance of more than one hundred dollars (\$100) a licensee may charge an installment maintenance fee of fifty cents (\$.50) per installment, provided said installments are not due more frequently than monthly; and provided further that no interest or other charges shall be charged or calculated on said monthly installment maintenance fee, but nothing herein shall prevent the determination of the total amount of said installment maintenance fee and adding same to the face of any precomputed note.

(4) (a) **Method of Computing Charges.** Interest or charges on loans made under this Act shall not be paid, deducted, discounted or received in advance or compounded but the rate of charge authorized by this Section may be precomputed as provided in Paragraph B of this subsection. For the purpose of this Section one month shall be that period of time from any date in a month to a corresponding date in the next month and if there is no such corresponding date then to the last day of the next month and a day shall be considered  $1/30$  of a month when computation is made for a fraction of a month.

(b) When the loan contract requires repayment in substantially equal and consecutive periodic installments of principal, charges and interest combined, the charges and interest may be precomputed at the agreed monthly or periodic rate not in excess of that provided for in this Section on scheduled unpaid principal balances according to the terms of the contract and added to the principal of the loan. Every payment may be applied to the combined total of principal and precomputed charge until the contract is fully paid. The acceptance or payment of charges on loans made under the provisions of this subsection shall not be deemed to constitute payment, deduction or receipt thereof in advance nor compounding under sub-paragraph (a) above.

(5) (a) **Refund.** When the interest charge is precomputed or the charge in lieu of interest is precomputed on any loan contract and said contract is paid in full by cash, a new loan, renewal or otherwise, one month or more before the final installment date, the licensee shall refund or credit the borrower with that portion of the total charges, excluding any adjustment of interest for a first period of more than one month, which shall be due the borrower as determined by schedules prepared under the rule of 78ths or sum of the digits principle as follows: The amount of the refund or credit shall be as great a proportion of the total charges originally contracted for, as the sum of the periodic time balances of the contract scheduled to follow the date of prepayment in full bears to the sum of all the periodic time balances of the contract according to the payment schedule originally contracted for. When the first installment period is more than one month, if a prepayment occurs before the first installment date, interest shall be recomputed at the contract rate and the recomputed interest shall be retained in lieu of all precomputed interest. Where any debt, on which a charge is made in lieu of interest, is renewed or refinanced by any creditor or creditor's affiliate within a period of sixty (60) days from the date such debt is incurred, the debtor shall be entitled to a daily pro-rata refund or credit of the unearned portion of the original finance charge computed as of the date of such renewal or refinancing. Where any debt, on which interest as authorized in Section 14 (1) was charged, is renewed or refinanced by any creditor or creditor's affiliate within a period of ninety (90) days from the date such debt is incurred, the debtor shall be entitled to a daily pro-rata refund or credit of the unearned portion of the original finance charge computed as of the date of such renewal or refinancing. If installment maintenance fees have been added into the face of the note, and said note is prepaid in full more than one month prior to the final maturity date, then borrower shall be entitled, as of date of prepayment, to a refund credit of the unused installment maintenance fees equal to one fee for each unmatured scheduled installment due date.

(b) When the interest charge is precomputed on any loan contract and said loan contract is not prepaid in full but becomes partially prepaid

in an amount equal to three (3) or more installments, the licensee shall reduce the balance due by the amount that would be required to be refunded for prepayment in full on the date of such partial prepayment and compute charges as payments are made thereafter in the manner prescribed in subparagraph (a) of subsection 4 hereof or the licensee may with the consent of the borrower reschedule the remaining installments and precompute charges as prescribed in subparagraph (b) of subsection 4 hereof.

(6) **Default or Extension Charges.** (a) When a scheduled payment is in default ten (10) days or more, the licensee may charge and collect a late charge not exceeding five per cent (5%) of the amount of such scheduled payment or of fifty cents (\$.50) on each such scheduled payment in default, whichever is greater. Such late charge may be collected only once on any scheduled payment regardless of the period which it remains in default.

(b) With respect to a precomputed loan if payment of all unpaid installments is deferred one or more full months and the contract so provides, the licensee may charge and collect additional interest and/or charges equal to the difference between the rebate that would be required for prepayment in full as of the scheduled due date of the first deferred installment and the rebate which would be required for prepayment in full as of one month prior to that date, multiplied by the number of full months in which no scheduled payment is made or required by reason of the deferment. If a rebate of precomputed interest is required during a period of deferment, a pro-rata rebate of the deferment charge must also be made, or, in lieu of making a separate rebate of the deferment charge, a licensee may combine the rebate for prepayment in full and the rebate of a deferment charge by including all unpaid deferred balances in the numerator of the fraction used to compute rebate for prepayment in full.

(7) In addition to the general authority granted to him by Section 11(a) of this Act, the Supervisor shall have power and authority to make such rules and regulations as he may deem necessary or advisable to insure that rebates, default charges and deferment charges are so computed, paid to, or collected from borrowers that the total charges collected by licensees shall not exceed those authorized by this Act.

(8) **Recording Fees and Closing Costs.** (a) The licensee may deduct from the loan proceeds, charge to and/or collect from the borrower the actual fees paid any and all public officials in connection with the filing, perfecting, and/or recording, of any security for the repayment of the loan. At the time of the final payment of any loan, the licensee may charge the borrower, and so increase the final payment by a like amount, the actual fees paid or to be paid to any and all public officials in connection with releasing and/or terminating any security for the repayment of the loan.

(b) With respect to a debt secured by an interest in real estate, a licensee may deduct from the loan proceeds, contract for, charge to and/or collect from the borrower, fees and premiums for title examination, abstract of title, title insurance, and costs of clearing any objections to or clouds upon the title to any real estate, provided such charges are bona fide, reasonable in amount, not for the purpose of circumvention or evasion of this Act, and not paid to the licensee, an employee of the licensee or a person related to the licensee.

(9) **No Further Charge, No Splitting Contracts.** No further or other charges shall be directly or indirectly contracted for or received by any licensee, including insurance premiums of any kind except those

specifically authorized by this Act. No licensee shall divide into separate parts any contract made for the purpose of or with the effect of obtaining charges in excess of those authorized by this Act. All balances due to a licensee from any person, as a borrower, or as an endorser, guarantor or surety for any borrower or otherwise, or due from any husband or wife, jointly or severally, shall be considered a part of any loan being made by a licensee to such person for the purpose of computing charges.

(10) **Installment Payment, Contract Period.** No licensee shall enter into any contract of loan under this Act in which the borrower agrees to make any scheduled repayment of the cash advance more than forty-eight (48) months and fifteen (15) days from the date of making such contract of loan if the original principal amount is two thousand and five hundred dollars (\$2,500) or less but more than one thousand dollars (\$1,000), or more than thirty-six (36) months and fifteen (15) days if the original principal amount is one thousand dollars (\$1,000) but more than three hundred dollars (\$300), or more than twenty-four (24) months and fifteen (15) days if the original principal amount is three hundred dollars (\$300) or less. Any loan with an original principal amount of more than two thousand and five hundred dollars (\$2,500) may be repaid over such term as the parties may contract. Every loan contract on which interest is precomputed and added into the face of the note, shall require payment of the cash advance and interest in installments substantially equal in amount and payable at approximately equal periodic intervals, except that the first installment may be larger when the first installment period exceeds one month and except that payment dates may be omitted to accommodate borrowers with seasonal incomes.

(11) No licensee shall induce or permit any person, or any husband and wife jointly or severally, to become obligated directly or contingently, or both, under more than one contract of loan at the same time, for the purpose of obtaining a higher rate of charge than would otherwise be permitted by this section. And it shall be unlawful for any licensee to evade, or attempt to evade this section by inducing a customer to borrow from another licensee in which he has pecuniary interest or with whom he has an arrangement for exchange of customers.

(12) If any licensee shall voluntarily accept surrender of any property in which the licensee has a purchase money security interest and the original unpaid principal balance of such loan was one thousand dollars (\$1,000.00) or less, and the proceeds of such loan were used to purchase the aforementioned property, the borrower shall not be personally liable to the licensee for the unpaid balance of such loan, but the licensee shall not be obligated to sell such property.

**Section 15. Requirements for Making and Payment of Loans.** (1) At the time a consumer loan as defined by the Federal Consumer Credit Protection Act is made every licensee shall provide to the borrower and/or borrowers a Disclosure Statement in compliance with the Federal Consumer Credit Protection Act.

(2) Every licensee shall give to the person making any cash payment on account of any loan a receipt at the time such payment is made which receipt need only show the total amount of such cash payment; provided however, no receipt shall be required in the case of payments made by the borrower's check or money order, and the use of a coupon book system shall be deemed in compliance with this section.

(3) Every licensee shall permit the payment to be made in advance in any amount on any contract of loan at any time during a licensee's regular business hours.

(4) Upon repayment of the loan in full, every licensee shall mark plainly every obligation and security signed by any obligor with the word "Paid" or "Cancelled", and restore any pledge and cancel and return any note and any assignment given to the licensee.

(5) Confessions of Judgment; Incomplete Instruments. No licensee shall (1) take any confession of judgment or any power of attorney running to himself or to any third person to confess judgment or to appear for the borrower in a judicial proceedings; nor (2) take any note, or promise to pay, that does not disclose the total amount to be repaid, a schedule of payments or a description thereof, and the agreed rate or amount of interest, or the amount of charge in lieu of interest, and the amount of installment maintenance fee nor any instrument in which blanks are left to be filled in after execution.

(6) Every loan contract shall provide for repayment of principal and charges at approximate equal periodic intervals of time of which shall be so arranged that no installment is substantially greater in amount than any preceding installment.

Section 16. Additional Security for Loans. (1) Credit Life Insurance and Credit Accident and Health Insurance may be offered by the licensee to its borrowers and if accepted, may be provided by the licensee. No life insurance may be offered on loans of \$100 or less exclusive of insurance and other charges, and no health and accident insurance may be offered on loans of \$300 or less exclusive of insurance and other charges. The charge to the debtor for any insurance shall not exceed the premium charged by the insurer. Any of the aforementioned insurance with respect to any credit transaction shall not exceed the approximate amount and term of the transaction.

(a) The premium or identifiable charge collected by licensee or its officers, agents or employees shall not exceed that premium approved by the insurance commissioner of the State of Alabama for the company writing such insurance; provided however, that in no event shall the premium or identifiable charge exceed 75¢ per annum for each \$100 of life insurance.

(b) Every policy and/or certificate evidencing the aforementioned coverages written or issued in connection with any loan transaction shall provide for cancellation thereof and a refund of the unearned premium or identifiable charge upon discharge of the loan obligation in connection with which said insurance was written, with such termination to be without prejudice to any claim. Such refund shall be made under a formula filed by the insurer with the Department of Insurance except, however, no refund of less than \$1.00 need be made.

(2) A licensee may require any borrower to insure any and all property pledged and/or mortgaged as security for any loan transaction, against loss of and damage to said property, provided that the original unpaid principal balance, exclusive of the charges for insurance, is \$300.00 or more and the value of the property is \$300.00 or more. The aforementioned insurance shall be otherwise reasonable in relation to the loan transaction, and the supervisor shall promulgate regulations as to what is reasonable.

(a) All of the aforementioned insurance shall be written in a company authorized to conduct business in this state.

(b) Licensee shall not require the purchase of any of the aforementioned insurance from any agent or broker designated by the licensee, but such does not preclude the licensee from obtaining such coverage from the borrower upon said borrower's request.

(c) Borrower may satisfy the requirements of any licensee for any required insurance coverage, with existing coverages which equal or exceed the standards herein stated and licensee shall not decline any existing coverage, provided said existing coverage can be endorsed in favor of the licensee as licensee requires.

(3) All types of insurance not authorized in this Act are hereby specifically prohibited.

(4) For all insurance which is authorized in connection with any loan transaction, the licensee or any employee of licensee may deduct premiums or identifiable charge for any of the aforementioned insurance from the proceeds of loan and/or may collect same directly from the borrower and transmit same to the proper insurance company or companies.

(5) Any gain or advantage in the form of commissions or otherwise, to the licensee or to any employee, affiliate or associate of the licensee from such insurance or its sale, shall not be considered an additional or further charge in connection with the loan.

(6) No licensee shall execute any contract or agreement with any insurance company which permits said licensee to retain any portion of any insurance premium for the payment of losses incurred or to be incurred under any policies or certificates of insurance issued by an insurance company.

(7) No licensee shall pay or require to be paid to any insurance company a premium for any required or permitted insurance hereunder for a policy term longer than the shorter of the following two periods:

(a) sixty (60) months; or

(b) the term of the loan or if the policy term cannot be written exactly for the term of the loan, then for the term of the loan plus the shortest period possible.

Section 17. Consumer Protection. (1) Every note evidencing a loan made by a licensee shall contain the following statement in eight point type immediately above the space for the borrower's signature.

**"CAUTION—IT IS IMPORTANT THAT YOU THOROUGHLY READ THIS CONTRACT BEFORE YOU SIGN IT."**

(2) **Attorneys' Fees After Default.** With respect to a loan with an original principal amount of \$300 or less a licensee may not contract for payment by the debtor of attorney's fees. With respect to larger amounts the contract may provide for the payment by debtor of reasonable attorney's fees not exceeding fifteen per cent (15%) of the unpaid debt after default and referral to an attorney not a salaried employee of the licensee. A provision in violation of this subsection is unenforceable.

(3) No licensee under this Act shall bring suit on any debt for collection, and no judgment by default or otherwise shall be rendered until

the licensee shall file an affidavit stating that (a) There has not been a violation of provisions of this Act, and (b) that the debtor (if a resident of this state) on information and belief of creditor is a resident of the county in which the suit is filed. If such violation exists or if the debtor is not a resident of the county in which suit is filed, the suit shall be abated.

(4) Prior to entry of judgment a licensee may not attach unpaid earnings of the debtor by garnishment. The garnishment procedure after judgment shall be as provided by other state law except that the amount subject to garnishment shall not exceed that permitted by federal law.

(5) If the court as a matter of law finds any consumer loan agreement or any provision thereof be contrary to law and to have been unconscionable before, after or at the time it was made the court may refuse to enforce the agreement, or it may enforce the remainder of the agreement without the unconscionable provision, or it may so limit the application of any unconscionable provision as to avoid any unconscionable result.

**Section 18. Loans Made Elsewhere.** Any loans made outside this state in accordance with the law applicable to such loan in the state in which the loan was made may be collected in this state.

**Section 19. Review.** In addition to any other remedy he may have, any licensee and any person considering himself aggrieved by any act or order of the supervisor hereunder may, within thirty days from the entry of the order complained of, or within sixty days of the act complained of if there is no order, petition the circuit court of Montgomery County to review such act or order; provided such petition shall be docketed, heard and tried in the same manner as other extraordinary writs issued by the court and a copy of the petition and order setting the same for hearing shall be served on the supervisor, giving him such notice of the time and place of the hearing as may be directed by the court.

**Section 20. Pre-Existing Contracts.** This Act or any part thereof may be modified, amended, or repealed so as to effect a cancellation or alteration of any license or right of a licensee hereunder, provided that such cancellation or alteration shall not impair or affect the obligation of any pre-existing lawful contract between any licensee and any borrower.

**Section 21. Status of Pre-Existing Licensees.** (a) Any person having a license under Act No. 374 of the 1959 Regular Session of the Legislature of Alabama, as amended, in force when this Act becomes effective, shall be deemed to have a license under this Act, renewable as provided herein. Any such license so continued in effect under the provisions of this Act shall be subject to revocation as provided in Section 8 of this Act; except that such license may not be revoked nor shall an application for a new license be denied upon the ground that the convenience and advantage of such community will not be promoted by the operation therein of such business.

(b) Any person having a license under Act No. 2052 of the 1971 Regular Session of the Legislature of Alabama, as amended in force when this Act becomes effective may within four months from and after the effective date of this Act, file an application with the supervisor and pay the application fee and immediately and as a matter of right, receive a license hereunder, and any such license so issued, shall be subject to revocation pursuant to the applicable provisions of this Act, except that such license may not be revoked nor renewal thereof denied upon the



ground that the convenience and advantage of a community where the license is located, will not be promoted by the operation therein of such business.

Section 22. Records. (a) The supervisor shall cause to be kept on file in the bureau of loans, open to public inspection during business hours, an alphabetical listing of all licensees doing business in Alabama; and such list shall reveal the true ownership of the licensee companies. If the company is a corporation, the list shall indicate the name of the corporation, the address of the home office, and the names and addresses of its officers and directors.

(b) Except as provided in subsection (a) of this section, all applications, reports, and other papers and documents submitted by licensees to the supervisor or to the bureau shall be open to public inspection only upon approval of the supervisor; but the supervisor shall not deny any person access to such records when the disclosure thereof to such person is in the public interest.

Section 23. (a) Repealer. The provisions of Act No. 159, H. B. 233, approved June 23, 1945 (General Acts of Alabama, page 200) as amended, are hereby repealed. The provisions of Act No. 374, H. B. 102 of the Regular Session of 1959, approved November 6, 1959, are hereby repealed. The provisions of Section 18(f) of Act No. 2052, S. B. 122 of the Regular Session of 1971, approved October 1, 1971, are hereby repealed. All other laws or parts of laws which conflict with this Act are also repealed. All or any part of the repeal of laws stated in this Section shall not be construed to be an abolition of the bureau of loans, whose existence is hereby continued as a state agency.

(b) Status of Pre-Existing Contracts. Nothing in this Act shall be construed so as to impair or affect the obligation of any contract of loan between any licensee under Act No. 374, H. B. 102 of the Regular Session of 1959, approved November 6, 1959, as amended, and any borrower which was entered into prior to the effective date of this Act. On the effective date of this Act, all existing contracts held by any licensee made under and pursuant to Act No. 2052, S. B. 122 of the Regular Session of 1971, approved October 1, 1971, as amended, shall be collected by the licensee in the same manner as if the Act had not been passed and nothing herein contained shall be construed so as to impair or affect any of the aforementioned existing contracts.

(c) Effect of Other Laws. Licensees making loans under this Act shall not be subject to provisions of Act No. 2052 of the 1971 Regular Session of the Legislature of Alabama, as amended, or to the limitations contained in Title 9, Code of Alabama 1940, as amended or recompiled, or to any other laws of the State of Alabama which are in conflict with the provisions herein. Loans made under said Act No. 2052 of the 1971 Regular Session of the Legislature of Alabama or under said Title 9 shall not be subject to the provisions of this Act. Nothing herein shall be construed to repeal, amend or modify the provisions of Act No. 3 of the 1969 Regular Session (General Acts Alabama Regular Session 1969, p. 297) and of Act No. 4 of the 1969 Regular Session (General Acts Alabama, Regular Session 1969, p. 297). It is the express legislative intent that the aforementioned named acts be and remain in full force and effect and any loans made pursuant thereto by any licensee hereunder shall be deemed to have been made under the aforementioned acts and not under the provisions of this Act and nothing in this Act shall be construed to prevent, prohibit or bar

the licensee hereunder from making loans under the aforementioned named acts.

Section 24. The provisions of this act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 25. Citation of Act. This Act shall be known and may be cited as the "Alabama Regulated Loan Act".

Section 26. Effective Date. This Act shall become effective 90 days after its passage and approval by the Governor or upon otherwise becoming law.

Which was adopted.

Yeas 19; Nays 6.

*Yeas:*

Messrs. Adams, Bank, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, Littleton, McDonald (S), Mims, Mitchell, Noonan, Perloff, Powell, St. John, Torbert, Vacca, Wilson.

—19

*Nays:*

Messrs. Edwards, Little, Owen, Perry, Shelby, Stewart.

—6

And said Bill, H. B. 899, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 19; Nays 6.

*Yeas:*

Messrs. Adams, Bank, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, Littleton, McDonald (S), Mims, Mitchell, Noonan, Perloff, Powell, St. John, Torbert, Vacca, Wilson.

—19

*Nays:*

Messrs. Baker, Edwards, Little, Owen, Shelby, Stewart.

—6

Mr. Torbert moved that the Senate reconsider the vote by which the Bill, H. B. 899, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

#### ADJOURNMENT

At 8:50 P.M., on motion of Mr. Foshee, the Senate adjourned until Tuesday, September 16, 1975, at 12 o'clock Noon.

## THIRTIETH LEGISLATIVE DAY

TUESDAY, SEPTEMBER 16, 1975

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

## PRAYER

The Session was opened with prayer by the Reverend Robert Miller, Minister, Westminster Presbyterian Church, Montgomery, Alabama.

## ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—34

## JOURNAL

On motion of Mr. Torbert, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-ninth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

E. C. FOSHEE,  
Chairman.

## COMMITTEE REPORT

On motion of Mr. Foshee, the foregoing report was concurred in and the Journal of the Senate for the Twenty-ninth Legislative Day was approved by the Senate.

## LEAVE OF ABSENCE

On motion of Mr. Torbert, leave of absence was granted Mr. Weaver for today.

## INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Messrs. Noonan, Roberts and Perloff:

S. 1179. To provide for Supernumerary-Retired Probate Judges in all counties having a population of not less than 300,000 nor more than 600,000 inhabitants according to the most recent federal decennial census; to prescribe the qualifications, term, duties, powers, authority, compensation and benefits of such supernumeraries; to provide for a Probate Judges Retirement Fund in such counties; to regulate the administration and supervision of said Fund and to repeal all conflicting statutes.

Committee on Local Legislation No. 1.

By Mr. Waldrop:

S. 1180. Relating to hunting and migratory waterfowl; to provide for the issuance of stamps and the collection of fees to insure the development, restoration, maintenance and preservation of wetlands for waterfowl; and providing for the disposition of revenue derived from the collection of such fees.

Committee on Conservation.

By Mr. Vacca:

S. 1181. To provide for a personal expense allowance for the Sheriff in counties having a population of 600,000 or more according to the last or any subsequent census; to specify method of payment of such allowance and to repeal all conflicting statutes.

Committee on Local Legislation No. 2.

By Mr. Stewart:

S. 1182. To amend Section 2 of Act No. 1218, H. 342, Regular Session of 1973 (Acts 1973, p. 2065), which relates to appropriations for the renovation, repair, refurbishing, and refurnishing of certain state buildings so as to remove the line item conditional appropriations and appropriate the sum of Two Million Dollars.

Committee on Finance and Taxation.

By Mr. Edwards:

S. 1183. To provide for the payment out of the general fund of Morgan County of expenses incurred by any elected official of the county in the performance of the duties of his office.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF MORGAN

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To provide for the payment out of the general fund of Morgan County of expenses incurred by any elected official of the county in the performance of the duties of his office.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Morgan County may pay from the general fund of the county, in addition to other compensation, the expenses incurred by any elected official expended while in the performance of the duties of his or her office. Payment and the method of such payment is discretionary with the Morgan County Commission.

Section 2. The governing body of the county is authorized to reimburse any elected official as hereinabove defined any expenses he or she has expended in 1975 which would be and are herein authorized.

Section 3. This act shall become effective immediately upon its passage and approval by the governor or its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF

Before me, the undersigned authority in and for said County in said State, this day personally appeared Lucy L. Ferguson, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Accounting Supervisor of the Decatur Daily, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Aug. 30, Sept. 6, Sept. 13, and Sept. 15, all in the year 1975.

LUCY L. FERGUSON.

Sworn to and subscribed before me September 15, 1975.

ELIZABETH D. SANDLIN,  
Notary Public.

By Mr. Fine:

S. 1184. Relating to all counties having a population of not less than 23,900 nor more than 24,450; providing for an additional expense allowance for all sheriffs to be paid by the county governing bodies of such counties.

Committee on Local Legislation No. 1.

By Mr. Edwards:

S. 1185. To amend Act No. 324, H. 784, Regular Session of 1965 (Acts 1965 Regular Session, p. 443), which Act establishes a merit system for the City of Decatur, amending Section 15 of said Act so as to provide for leaves of absence for employees to seek election to public office in Morgan County, and amending Section 21 of said Act so as to limit the

prohibited political activities which city employees can engage in to such activities in Morgan County.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF MORGAN

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Act No. 324, H. 784, Regular Session of 1965 (Acts 1965 Regular Session, p. 443), which Act establishes a merit system for the City of Decatur, amending Section 15 of said Act so as to provide for leaves of absence for employees to seek election to public office in Morgan County, and amending Section 21 of said Act so as to limit the prohibited political activities which city employees can engage in to such activities in Morgan County.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 15 and 21 of Act No. 324, H. 784, Regular Session of 1965 (Acts Regular Session 1965, p. 443), which establishes a merit system for the City of Decatur, are hereby amended to read as follows:

"Section 15. Absences; Hours of Work. Rules shall be adopted in the manner hereinbefore provided prescribing hours of work and the conditions and length of time for which leaves of absence with pay and leaves of absence without pay may be granted. These shall cover such matters as vacations, holidays, sick leaves, leaves for military service, and leaves granted so that the employee can seek election to public office in Morgan County.

"Section 21. Political Activities Prohibited. No person holding a position in the classified service shall seek or attempt to use any political endorsement in connection with any appointment to a position in the classified service. No person holding a position in the classified service shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the classified service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any consideration. No employee holding a position in the classified service shall, directly or indirectly, pay or promise to pay any assessment, subscription, or contribution for any political organization or purpose, or solicit or take any part in soliciting any such assessment, subscription, or contribution. No person shall solicit any such assessment, subscription, or contribution of an employee holding a position in the classified service. No employee holding a position in the classified service shall be a candidate for nomination or election to any

public office in Morgan County or shall take any part in the management or affairs of any political party or in any political campaign, except to exercise his rights as a citizen privately to express his opinion and to cast his vote, unless on authorized leave of absence for such purpose. Any person holding a position in the classified service who violates any provision of this section may be disciplined by dismissal, suspension without pay, or demotion as provided in Section 17 of this act. In addition, any person, including but not limited to persons holding a position in the classified service (irrespective of whether or not such persons holding a position in the classified service have or have not theretofore been disciplined therefor as hereinbefore provided) who wilfully violates any provision of this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided by Section 327 of Title 15 of the Code of Alabama of 1940."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF MORGAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Lucy L. Ferguson, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Accounting Supervisor of the Decatur Daily, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Aug. 25, Sept. 1, Sept. 8, and Sept. 15, all in the year 1975.

LUCY L. FERGUSON.

Sworn to and subscribed before me September 15, 1975.

ELIZABETH D. SANDLIN,  
Notary Public.

By Mr. McDonald (A):

S. 1186. To provide that all public educational institutions and facilities shall be exempted from the payment of any utility tax of whatsoever nature now imposed by law.

Committee on Rules.

By Mr. Edwards:

S. 1187. To provide for the payment out of the general fund of Morgan County of the dues of elected officials of the county in state or national organizations applicable to his office and for the expenses of any elected official in attending state and national conferences or conventions.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

**STATE OF ALABAMA  
COUNTY OF MORGAN**

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

**A BILL  
TO BE ENTITLED  
AN ACT**

To provide for the payment out of the general fund of Morgan County of the dues of elected officials of the county in state or national organizations applicable to his office and for the expenses of any elected official in attending state and national conferences or conventions.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Morgan County may pay the dues of elected officials in state or national organizations directly applicable to his or her office. Such includes, without limiting the foregoing, the dues of the Commissioner of License to the Probate Judges Association.

Section 2. The governing body of Morgan County may pay the actual expenses incurred by an elected official in attending state or national conferences or conventions directly applicable to the offices so held by such official. Such includes, without limiting the foregoing, expenses of the Commissioner of License in attending the Probate Judges Convention.

Section 3. Such pay is subject to the absolute discretion of the governing body of the county.

Section 4. The governing body of the county is authorized to reimburse any elected official as hereinabove defined any dues or expenses he or she has expended in 1975 which would be and are herein authorized.

Section 5. This act shall become effective immediately upon its passage and approval by the governor or its otherwise becoming a law.

**PROOF OF PUBLICATION**

**STATE OF ALABAMA  
COUNTY OF MORGAN**

Before me, the undersigned authority in and for said County in said State, this day personally appeared Lucy L. Ferguson, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Accounting Supervisor of the Decatur Daily, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Aug. 30, Sept. 6, Sept. 13, and Sept. 15, all in the year 1975.

**LUCY L. FERGUSON.**

Sworn to and subscribed before me September 15, 1975.

**ELIZABETH D. SANDLIN,  
Notary Public.**



By Mr. McDonald (A):

S. 1188. Proposing an amendment to the Constitution of 1901 relating to the legislature's responsibility of making appropriations necessary to operate the essential functions of state government; providing that legislation for appropriations may be either on the basis of annual requirements or biennial requirements, whichever the legislature shall elect.

Committee on Constitution and Elections.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Edwards:

S. 1189. Relating to Morgan County; to alter, rearrange and extend the boundary lines and corporate limits of the Town of Flint.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF MORGAN

Notice is here by given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Morgan County; to alter, rearrange and extend the boundary lines and corporate limits of the Town of Flint.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the Town of Flint in Morgan County are hereby altered, rearranged and extended so as to include within the corporate limits of the town, in addition to the area now embraced within the corporate limits of the town, the following described property.

Tract 1: All that part of the S  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ , Section 17, Township 6 South, Range 4 West and the NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ ; SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ ; NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ ; Section 20, Township 6 South, Range 4 West; lying East of U. S. Highway No. 31.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF MORGAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Lucy L. Ferguson, who, being by me

first duly sworn, deposes and says that during the times herein mentioned he was Accounting Supervisor of the Decatur Daily, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Aug. 27, Sept. 1, Sept. 8, and Sept. 15, all in the year 1975.

LUCY L. FERGUSON.

Sworn to and subscribed before me September 15, 1975.

ELIZABETH D. SANDLIN,  
Notary Public.

By Mr. McDonald (S):

S. 1190. To repeal Act No. 829, H. B. 1454, Regular Session 1973, (Acts 1973, p. 1325), entitled, "An Act To authorize savings and loan associations to open, establish, operate and maintain branch offices in counties having a population of not less than fifty-three (53,000) nor more than fifty-five (55,000) inhabitants according to the last or any subsequent federal decennial census."

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

#### NOTICE FOR ACT REPEAL

To repeal Act No. 829, H. B. 1454, Regular Session 1973, (Acts 1973, p. 1325), entitled, "An Act To authorize savings and loan associations to open, establish, operate and maintain branch offices in counties having a population of not less than fifty-three (53,000) nor more than fifty-five (55,000) inhabitants according to the last or any subsequent federal decennial census."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 829, H. B. 1454, Regular Session 1973, (Acts 1973, p. 1325), entitled, "An Act To authorize savings and loan associations to open, establish, operate and maintain branch offices in counties having a population of not less than fifty-three (53,000) nor more than fifty-five (55,000) inhabitants according to the last or any subsequent federal decennial census," is hereby expressly repealed.

Section 2. This act shall become effective on October 1, 1975.

STATE OF ALABAMA  
MARSHALL COUNTY

Before the undersigned authority personally appeared Mary Ann Moore who first being duly sworn deposes and says that he is the president of The Monitor News Leader, a Newspaper published in Marshall County, Alabama; that he has published the notice in the above captioned cause in said newspaper for 4 successive issues of said paper, published in the issue of said paper dated 8/2, 9, 16, 23/75 respectively, of which said notice a copy of the same being hereto attached and made a part of this affidavit.

MARY ANN MOORE.

Sworn to and subscribed to before me this 8 day of September, 1975.

JOYCE W. DANIEL,  
Notary Public.

My Commission Expires 1-5-77.

By Mr. McDonald (S):

S. 1191. Relating to Marshall County; authorizing savings and loan associations to open, establish, operate and maintain branch offices.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE IN RELATION TO SAVINGS, LOAN ASSOC.

STATE OF ALABAMA  
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Marshall County; authorizing savings and loan associations to open, establish, operate and maintain branch offices.

Be It Enacted by the Legislature of Alabama:

Section 1. The directors or other governing authority of any savings and loan association located within Marshall County, whether such association be chartered under an act of congress or state law, are hereby authorized and empowered to open, establish, operate and maintain a branch office or offices anywhere within such county, and may engage in such business at such branch office or offices as said association is permitted to do by its charter or bylaws.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective on October 1, 1975.

STATE OF ALABAMA  
MARSHALL COUNTY

Before the undersigned authority personally appeared Mary Ann Moore who first being duly sworn deposes and says that he is the president of The Monitor News Leader, a Newspaper published in Marshall County, Alabama; that he has published the notice in the above captioned clause in said newspaper for 4 successive issues of said paper, published in the issue of said paper dated 8/2, 9, 16, 23/75 respectively, of which said notice a copy of the same being hereto attached and made a part of this affidavit.

MARY ANN MOORE.

Sworn to and subscribed to before me this 8 day of September, 1975.

JOYCE W. DANIEL,  
Notary Public.

My Commission Expires 1-5-77.

By Mr. McDonald (S):

S. 1192. To repeal Act No. 1632, H. B. 2379, Regular Session 1971, (Acts 1971, p. 2791), entitled, "An Act To regulate and prescribe the qualifications of persons engaged in the Bail Bond business in counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census."

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

### BILL SLATED FOR INTRODUCTION

#### STATE OF ALABAMA COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

To repeal Act No. 1632, H. B. 2379, Regular Session 1971, (Acts 1971, p. 2791), entitled, "An Act To regulate and prescribe the qualifications of persons engaging in the Bail Bond business in counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial

Office of the tax collector: a maximum of \$12,400 annually

Office of the circuit clerk: a maximum of \$22,200 annually

provided that in addition to the above clerk-hire allowances: the tax assessor and the tax collector shall each be allowed \$1,800 a year as expenses, which shall be in addition to

Section 1. Act No. 1336, H. B. 2153, Regular Session 1971 (Acts 1971, p. 2286), entitled "An Act Relating to all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census; providing that the jury commission and board of registrars for said counties be allowed 10 extra authorized meeting days each year, and to provide further for an expense allowance for the members of said bodies," is hereby expressly repealed.

Section 2. This Act shall become effective on October 1, 1975.

#### STATE OF ALABAMA MARSHALL COUNTY

Before the undersigned authority personally appeared Mary Ann Moore who first being duly sworn deposes and says that he is the president of The Monitor News Leader, a Newspaper published in Marshall County, Alabama; that he has published the notice in the above captioned cause in said newspaper for 4 successive issues of said paper, published in the issue

of said paper dated 8/2, 9, 16, 23/75 respectively, of which said notice a copy of the same being hereto attached and made a part of this affidavit.

MARY ANN MOORE.

Sworn to and subscribed to before me this 8 day of September, 1975.

JOYCE W. DANIEL,  
Notary Public.

My Commission Expires 1-5-77.

By Mr. McDonald (S):

S. 1193. Relating to Marshall County; regulating and prescribing the qualifications of persons engaging in the Bail Bond business.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

#### NOTICE FOR PERSONS ON BAIL BOND BUSINESS

#### STATE OF ALABAMA COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

Relating to Marshall County; regulating and prescribing the qualifications of persons engaging in the Bail Bond business.

Be It Enacted by the Legislature of Alabama:

Section 1. In Marshall County any person, whose net worth is more than \$25,000 who wishes to become a professional Bail Bondsman may do so in the manner hereinafter prescribed. He shall file a list of his assets and liabilities with the sheriff of the county and request a certificate from the sheriff stating his net worth. Upon presenting the certificate of the sheriff, showing the person's net worth is over \$25,000 and the payment of a license fee of \$75.50 to the probate judge of the county such person shall be issued to him a professional Bail Bondsman's license. The above fee shall be distributed as follows: \$50.00 of each such bondsman's license fee shall be paid to the general fund of the State of Alabama; \$25.00 of such fees shall be paid into the general fund of Marshall County; and the probate judge shall be entitled to the remaining 50 cents for an issuance fee.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective on October 1, 1975.

#### STATE OF ALABAMA MARSHALL COUNTY

Before the undersigned authority personally appeared Mary Ann Moore who first being duly sworn deposes and says that he is the president

of The Monitor News Leader, a Newspaper published in Marshall County, Alabama; that he has published the notice in the above captioned cause in said newspaper for 4 successive issues of said paper, published in the issue of said paper dated 8/2, 9, 16, 23/75 respectively, of which said notice a copy of the same being hereto attached and made a part of this affidavit.

MARY ANN MOORE.

Sworn to and subscribed to before me this 8 day of September, 1975.

JOYCE W. DANIEL,  
Notary Public.

My Commission expires 1-5-77.

By Mr. McDonald (S):

S. 1194. To repeal Act No. 114, H. B. 159, Special Session 1962 (Acts 1962, p. 148), entitled, "An Act To provide for the compensation and expense allowance of members of the county board of education in all counties having populations of not less than 46,600 nor more than 49,050 according to the 1960 or any subsequent federal decennial census; providing for further compensation for certain other services performed for the school system in any county to which this Act applies in addition to services and duties ordinarily and customarily rendered by board members in such counties; providing for reimbursements for reasonable expenses incurred in performance of such extraordinary services; providing for the time that such increase in compensation shall become effective; and providing penalties for violation of the terms of this Act," and all acts amendatory thereof.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
MARSHALL COUNTY

Before the undersigned authority personally appeared Mary Ann Moore who first being duly sworn deposes and says that he is the president of The Monitor News Leader, a Newspaper published in Marshall County, Alabama; that he has published the notice in the above captioned cause in said newspaper for 4 successive issues of said paper, published in the issue of said paper dated 8/2, 9, 16, 23/75 respectively, of which said notice a copy of the same being hereto attached and made a part of this affidavit.

MARY ANN MOORE.

Sworn to and subscribed to before me this 8 day of September, 1975.

JOYCE W. DANIEL,  
Notary Public.

My Commission Expires 1-5-77.

By Mr. McDonald (S):

S. 1195. To repeal Act No. 1340, H. B. 2157, Regular Session 1971, (Acts 1971, p. 2288), entitled, "An Act To authorize the governing bodies of all counties having a population of not less than 53,000 nor more than

55,000 based on the last federal decennial census to expend funds to furnish office space, equipment, supplies and clerical assistance for the board of registrars."

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE GIVEN FOR INTRODUCTION OF BILL

STATE OF ALABAMA  
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

To repeal Act No. 1340, H. B. 2157, Regular Session 1971, (Acts 1971, p. 2288), entitled, "An Act To authorize the governing bodies of all counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census to expend funds to furnish office space, equipment, supplies and clerical assistance for the board of registrars."

Be It Enacted by the Legislature of Alabama:

STATE OF ALABAMA  
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To repeal Act No. 114, H. B. 159, Special Session 1962 (Acts 1962, p. 148), entitled, "An Act To provide for the compensation and expense allowance of members of the county board of education in all counties having populations of not less than 46,600 nor more than 49,050 according to the 1960 or any subsequent federal decennial census; providing for further compensation for certain other services performed for the school system in any county to which this Act applies in addition to services and duties ordinarily and customarily rendered by board members in such counties; providing for reimbursements for reasonable expenses incurred in performance of such extraordinary services; providing for the time that such increase in compensation shall become effective; and providing penalties for violation of the terms of this Act," and all acts amendatory thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Act no. 114, H. B. 159, Special Session 1962 (Acts 1962, p. 148), entitled, "An Act To provide for the compensation and expense allowance of members of the county board of education in all counties having populations of not less than 46,600 nor more than 49,050 according to the 1960 or any subsequent federal decennial census; providing for further compensation for certain other services performed for the school system in any county to which this Act applies in addition to services and

duties ordinarily and customarily rendered by board members in such counties; providing for reimbursements for reasonable expenses incurred in performance of such extraordinary services; providing for the time that such increase in compensation shall become effective; and providing penalties for violation of the terms of this Act," and all acts amendatory thereof, are hereby expressly repealed.

Section 2. This Act shall become effective on October 1, 1975.

Section 1. Act No. 1340, H. B. 2157, Regular Session 1971, (Acts 1971, p. 2288), entitled, "An Act To authorize the governing bodies of all counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census to expend funds to furnish office space, equipment, supplies and clerical assistance for the board of registrars," is hereby expressly repealed.

Section 2. This act shall become effective on October 1, 1975.

#### STATE OF ALABAMA MARSHALL COUNTY

Before the undersigned authority personally appeared Mary Ann Moore who first being duly sworn deposes and says that he is the president of The Monitor News Leader, a Newspaper published in Marshall County, Alabama; that he has published the notice in the above captioned cause in said newspaper for 4 successive issues of said paper, published in the issue of said paper dated 8/2, 9, 16, 23/75 respectively, of which said notice a copy of the same being hereto attached and made a part of this affidavit.

MARY ANN MOORE.

Sworn to and subscribed to before me this 8 day of September, 1975.

JOYCE W. DANIEL,  
Notary Public.

My Commission Expires 1-5-77.

By Mr. McDonald (S):

S. 1196. Relating to Marshall County; authorizing the county governing body to expend funds to furnish office space, equipment, supplies and clerical assistance for the board of registrars; and providing for the effective date of its provisions.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

#### BILL INTRODUCED TO EXPEND OFFICE FUNDS

#### STATE OF ALABAMA COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT



Relating to Marshall County; authorizing the county governing body to expend funds to furnish office space, equipment, supplies and clerical assistance for the board of registrars; and providing for the effective date of its provisions.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing body of Marshall County is authorized to expend funds from the general fund of the county to provide office space, equipment, supplies and clerical assistance for the board of registrars.

Section 3. The provisions of this act are cumulative and shall not be construed to repeal or supersede any laws not inconsistent herewith.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective October 1, 1975.

STATE OF ALABAMA  
MARSHALL COUNTY

Before the undersigned authority personally appeared Mary Ann Moore who first being duly sworn deposes and says that he is the president of The Monitor News Leader, a Newspaper published in Marshall County, Alabama; that he has published the notice in the above captioned cause in said newspaper for 4 successive issues of said paper, published in the issue of said paper dated 8/2, 9, 16, 23/75 respectively, of which said notice a copy of the same being hereto attached and made a part of this affidavit.

MARY ANN MOORE.

Sworn to and subscribed to before me this 8 day of September, 1975.

JOYCE W. DANIEL,  
Notary Public.

My Commission Expires 1-5-77.

By Mr. McDonald (S):

S. 1197. To repeal Act No. 1336, H. B. 2153, Regular Session 1971 (Acts 1971, p. 2286), entitled "An Act Relating to all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census; providing that the jury commission and board of registrars for said counties be allowed 10 extra authorized meeting days each year, and to provide further for an expense allowance for the members of said bodies."

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF BILL GIVEN

STATE OF ALABAMA  
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To repeal Act No. 1336, H. B. 2153, Regular Session 1971 (Acts 1971, p. 2286), entitled "An Act Relating to all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census; providing that the jury commission and board of registrars for said counties be allowed 10 extra authorized meeting days each year, and to provide further for an expense allowance for the members of said bodies."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1336, H. B. 2153, Regular Session 1971 (Acts 1971, p. 2286), entitled "An Act Relating to all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census; providing that the jury commission and board of registrars for said counties be allowed 10 extra authorized meeting days each year, and to provide further for an expense allowance for the members of said bodies," is hereby expressly repealed.

Section 2. This Act shall become effective on October 1, 1975.

STATE OF ALABAMA  
MARSHALL COUNTY

Before the undersigned authority personally appeared Mary Ann Moore who first being duly sworn deposes and says that he is the president of The Monitor News Leader, a Newspaper published in Marshall County, Alabama; that he has published the notice in the above captioned cause in said newspaper for 4 successive issues of said paper, published in the issue of said paper dated 8/2, 9, 16, 23/75 respectively, of which said notice a copy of the same being hereto attached and made a part of this affidavit.

MARY ANN MOORE.

Sworn to and subscribed to before me this 8, day of September, 1975.

JOYCE W. DANIEL,  
Notary Public.

My Commission Expires 1-5-77.

By Mr. McDonald (S):

S. 1198. Relating to Marshall County; providing that the jury commission and board of registrars be allowed 10 extra authorized meeting days each year and providing further for an expense allowance for the members of said bodies.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE ON BILL FOR BOARD OF REGISTRARS

STATE OF ALABAMA  
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be

introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

**A BILL  
TO BE ENTITLED  
AN ACT**

Relating to Marshall County; providing that the jury commission and board of registrars be allowed 10 extra authorized meeting days each year and providing further for an expense allowance for the members of said bodies.

Be It Enacted by the Legislature of Alabama:

Section 1. The jury commission and board of registrars of Marshall County shall be allowed ten (10) extra authorized meeting days each year that shall be used whenever said bodies deem necessary. Each member and clerk of said bodies shall be entitled to an expense allowance of five dollars (\$5.00) per day for each day he performs the duties of his office which shall be in addition to any and all other expense allowances and compensation they are now receiving.

Section 2. This Act shall become effective on October 1, 1975.

**STATE OF ALABAMA  
MARSHALL COUNTY**

Before the undersigned authority personally appeared Mary Ann Moore who first being duly sworn deposes and says that he is the president of The Monitor News Leader, a Newspaper published in Marshall County, Alabama; that he has published the notice in the above captioned cause in said newspaper for 4 successive issues of said paper, published in the issue of said paper dated 8/2, 9, 16, 23/75 respectively, of which said notice a copy of the same being hereto attached and made a part of this affidavit.

MARY ANN MOORE.

Sworn to and subscribed to before me this 8, day of September, 1975.

JOYCE W. DANIEL,  
Notary Public.

My Commission Expires 1-5-77.

By Mr. McDonald (S):

S. 1199. To repeal Act No. 1636, H. B. 2383, Regular Session 1971, (Acts 1971, p. 2793), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census to provide further for clerk hire allowances for certain county officers, repealing conflicting laws."

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

**NOTICE GIVEN TO REPEAL ACT**

**STATE OF ALABAMA  
COUNTY OF MARSHALL**

Notice is hereby given that a bill substantially as follows will be

introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

To repeal Act No. 1636, H. B. 2383, Regular Session 1971, (Acts 1971, p. 2793), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census to provide further for clerk hire allowances for certain county officers, repealing conflicting laws."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1636, H. B. 2383, Regular Session 1971, (Acts 1971, p. 2793), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census to provide further for clerk hire allowances for certain county officers, repealing conflicting laws," is hereby expressly repealed.

Section 2. This act shall become effective on October 1, 1975.

STATE OF ALABAMA  
MARSHALL COUNTY

Before the undersigned authority personally appeared Mary Ann Moore who first being duly sworn deposes and says that he is the president of The Monitor News Leader, a Newspaper published in Marshall County, Alabama; that he has published the notice in the above captioned cause in said newspaper for 4 successive issues of said paper, published in the issue of said paper dated 8/2, 9, 16, 23/75 respectively, of which said notice a copy of the same being hereto attached and made a part of this affidavit.

MARY ANN MOORE.

Sworn to and subscribed to before me this 8, day of September, 1975.

JOYCE W. DANIEL,  
Notary Public.

My Commission Expires 1-5-77.

By Mr. McDonald (S):

S. 1200. Relating to Marshall County; providing further for clerk-hire allowances for certain county officers.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE GIVEN FOR INTRODUCTION OF BILL

STATE OF ALABAMA  
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Marshall County; providing further for clerk-hire allowances for certain county officers.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing body of Marshall County.

Relating to Marshall County; providing further for clerk-hire allowances for certain county officers.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing body of Marshall County shall provide the following enumerated allowances for the purposes of hiring clerks and assistances as follows:

Office of the tax assessor: a maximum of \$13,050 annually

and any other expense allowances, salaries and compensation heretofore provided for them by law; and the circuit clerk shall receive an annual expense allowance of \$3,600 a year, which shall be in lieu of any and all travel and other expense allowances heretofore payable to the clerk. The expense allowances here by authorized shall be paid in equal monthly installments out of the general fund in the county treasury.

Office of the Marshall County Commission: a maximum of \$15,000 annually;

Office of the register of the circuit court: a maximum of \$9,200 annually.

Section 2. This act shall become effective on October 1, 1975.

#### STATE OF ALABAMA MARSHALL COUNTY

Before the undersigned authority personally appeared Mary Ann Moore who first being duly sworn deposes and says that he is the president of The Monitor News Leader, a Newspaper published in Marshall County, Alabama; that he has published the notice in the above captioned cause in said newspaper for 4 successive issues of said paper, published in the issue of said paper dated 8/2, 9, 16, 23/75 respectively, of which said notice a copy of the same being hereto attached and made a part of this affidavit.

MARY ANN MOORE.

Sworn to and subscribed to before me this 8, day of September, 1975.

JOYCE W. DANIEL,  
Notary Public.

My Commission Expires 1-5-77.

By Mr. McDonald (S):

S. 1201. To repeal Act No. 1644, H. B. 2391, Regular Session 1971, (Acts 1971, p. 2798), entitled, "An Act To increase the compensation of the judge of county court in counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census."

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

**STATE OF ALABAMA  
COUNTY OF**

Notice is hereby given that a bill substantially as follows will be introduced in the legislature of Alabama and application for its passage and enactment will be made, to-wit:

**A BILL  
TO BE ENTITLED  
AN ACT**

To repeal Act No. 1644, H. B. 2391, Regular Session 1971, (Acts 1971, p. 2798), entitled, "An Act To increase the compensation of not the judge of county court in counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census."

**Be It Enacted by the Legislature of Alabama:**

Section 1. Act No. 1644, H. B. 2391, Regular Session 1971, (Acts 1971, p. 2798), entitled "An Act To increase the compensation of the judge of county court in counties having a population of not less than 53,000 or more than 55,000 based on the last federal decennial census," is hereby expressly repealed.

Section 2. This act shall become effective on October 1, 1975.

**PROOF OF PUBLICATION**

**STATE OF ALABAMA  
COUNTY OF MARSHALL**

Before me, the undersigned authority in and for said County in said State, this day personally appeared Pat M. Courington, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Sand Mountain Reporter, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Aug 2, Aug 9, Aug 16, and Aug 23, all in the year 1975.

**PAT M. COURINGTON.**

Sworn to and subscribed before me September 11, 1975.

**PATRICIA DIANN SMITH,**  
Notary Public.

**By Mr. McDonald (S):**

S. 1202. To repeal Act No. 110, H. B. 151, Third Special Session 1971, (Acts 1971, p. 4334), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census; to provide additional compensation, payable from the county funds, for the register of the county court in any such county; and providing that provisions of this Act shall have retroactive effect to September 1, 1971."

**Committee on Local Legislation No. 1.**

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama, and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To repeal Act No. 110, H. B. 151, Third Special Session 1971, (Acts 1971, p. 4334), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census; to provide additional compensation, payable from the county funds, for the register of the county court in any such county; and providing that provisions of this Act shall have retroactive effect to September 1, 1971."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 110, H. B. 151, Third Special Session 1971, (Acts 1971, p. 4334), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census; to provide additional compensation, payable from the county funds, for the register of the county court in any such county; and providing that provisions of this Act shall have retroactive effect to September 1, 1971," is hereby expressly repealed.

Section 2. This Act shall become effective on October 1, 1975.

PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF MARSHALL

Before me, the undersigned authority in and for said County in said State, this day personally appeared Pat M. Courington, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Sand Mountain Reporter, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on August 2, August 9, August 16, and August 23, all in the year 1975.

PAT M. COURINGTON.

Sworn to and subscribed before me September 11, 1975.

PATRICIA DIANN SMITH,  
Notary Public.

By Mr. McDonald (S):

S. 1203. Relating to Marshall County; providing additional compensation, payable from county funds, to the register of the circuit court for serving as register of the county court.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

**STATE OF ALABAMA  
COUNTY OF MARSHALL**

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

**A BILL  
TO BE ENTITLED  
AN ACT**

Relating to Marshall County; providing additional compensation, payable from county funds, to the register of the circuit court for serving as register of the county court.

Be It Enacted by the Legislature of Alabama:

Section 1. In Marshall County, when the register of the circuit court of the county serves ex officio as register of the county court, such register shall be entitled, in addition to his compensation as register of the circuit court, to \$1,200 per annum, payable out of the general funds of the county in the same manner as the salaries of other county officers.

Section 2. This Act is cumulative and shall not be construed to repeal or supercede any laws not inconsistent herewith.

Section 3. This Act shall become effective on October 1, 1975.

**PROOF OF PUBLICATION**

**STATE OF ALABAMA  
COUNTY OF MARSHALL**

Before me, the undersigned authority in and for said County in said State, this day personally appeared Pat M. Courington, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Sand Mountain Reporter, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on August 2, August 9, August 16, and August 23, all in the year 1975.

**PAT M. COURINGTON.**

Sworn to and subscribed before me September 11, 1975.

**PATRICIA DIANN SMITH,**  
Notary Public.

By Mr. McDonald (S):

S. 1204. To repeal Act No. 157, H. B. 173, Third Special Session 1971, (Acts 1971, p. 4401), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000, according to the most decent (sic) federal decennial census; to provide compensation for the court reporter of the county court in such counties."

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:



STATE OF ALABAMA  
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To repeal Act No. 157, H. B. 173, Third Special Session 1971, (Acts 1971, p. 4401), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000, according to the most recent (sic) federal decennial census; to provide compensation for the court reporter of the county court in such counties."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 157, H. B. 173, Third Special Session 1971, (Acts 1971, p. 4401), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000, according to the most recent (sic) federal decennial census; to provide compensation for the court reporter of the county court in such counties," is hereby expressly repealed.

Section 2. This act shall become effective on October 1, 1975.

PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF MARSHALL

Before me, the undersigned authority in and for said County in said State, this day personally appeared Pat M. Courington, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Sand Mountain Reporter, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on August 2, August 9, August 16, and August 23, all in the year 1975.

PAT M. COURINGTON.

Sworn to and subscribed before me Sept. 11, 1975.

PATRICIA DIANN SMITH,  
Notary Public.

By Mr. McDonald (S):

S. 1205. Relating to Marshall County; providing additional compensation for the court reporter of the county court.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Marshall County; providing additional compensation for the court reporter of the county court.

Be It Enacted by the Legislature of Alabama:

Section 1. In Marshall County, the court reporter of the county court shall be paid, in addition to any compensation heretofore provided by law, an amount of not less than \$200.00 per month nor more than \$275.00 per month as annual salary to be set by the judge of said court and paid from the general funds of the county. The services of said reporter, when not actually working under the direction of the judge of said court, shall be available to the circuit clerk in the discharge of his duties in this court.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective on October 1, 1975.

PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF MARSHALL

Before me, the undersigned authority in and for said County in said State, this day personally appeared Pat M. Courington, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Sand Mountain Reporter, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Aug 2, Aug 9, Aug 16, and Aug 23, all in the year 1975.

PAT M. COURINGTON.

Sworn to and subscribed before me September 11, 1975.

PATRICIA DIANN SMITH,  
Notary Public.

By Mr. McDonald (S):

S. 1206. To repeal Act No. 1648, H. B. 2395, Regular Session 1971, (Acts 1971, p. 2800), entitled, "An Act Relating to all counties having a population of not less than 53,000 nor more than 55,000 according to the

most recent federal decennial census; to provide further for the expense allowances of the chairman and members of the county governing body."

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To repeal Act. No. 1648, H. B. 2395, Regular Session 1971, (Acts 1971, p. 2800) entitled, "An Act Relating to all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census; to provide further for the expense allowances of the chairman and members of the county governing body."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1648, H. B. 2395, Regular Session 1971, (Acts 1971, p. 2800) entitled, "An Act Relating to all counties having a population of not more than 53,000 nor more than 55,000 according to the most recent federal decennial census; to provide further for the expense allowances of the chairman and members of the county governing body is hereby expressly repealed.

Section 2. This act shall become effective on October 1, 1975.

PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF MARSHALL

Before me, the undersigned authority in and for said County in said State, this day personally appeared Pat M. Courington, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Sand Mountain Reporter, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on August 2, August 9, August 16, and August 23, all in the year 1975.

PAT M. COURINGTON.

Sworn to and subscribed before me September 11, 1975.

PATRICIA DIANN SMITH,  
Notary Public.

By Mr. McDonald (S):

S. 1207. Relating to Marshall County; providing further for the

expense allowances of the chairman and members of the county governing body.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Marshall County; providing further for the expense allowances of the chairman and members of the county governing body.

Be It Enacted by the Legislature of Alabama:

Section 1. In Marshall County the chairman and members of the board of revenue, court of county commissioners, commission on government and finance or other like county governing bodies shall each be entitled to receive in addition to their salaries an expense allowance as follows: for the chairman \$3,000.00 per year; for the members an expense allowance of \$2,400.00 per year. Such expense allowance shall be in addition to all authorized reimbursements for actual expenses for travel on official business outside the county, and in addition to any pick-up trucks or low cost passenger cars otherwise provided by law for the use of such members in carrying out their duties of office. Such proportionate part of the expense allowance provided herein as is commensurate with the expenses incurred or time consumed in the discharge of duties respecting roads and bridges shall be paid out of the gasoline tax fund of the county and the remainder shall be paid out of the general fund of the county, as provided in Code of Alabama 1940, Title 12, Section 28, as amended.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective on October 1, 1975.

PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF MARSHALL

Before me, the undersigned authority in and for said County in said State, this day personally appeared Pat M. Courington, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Sand Mountain Reporter, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive

weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on August 2, August 9, August 16, and August 23, all in the year 1975.

PAT M. COURINGTON.

Sworn to and subscribed before me September 11, 1975.

PATRICIA DIANN SMITH,  
Notary Public.

By Mr. McDonald (S):

S. 1208. To repeal Act No. 1351, H. B. 2168, Regular Session 1971, (Acts 1971, p. 2296), entitled, "An Act Providing additional allowances for clerk hire fund for the office of probate in all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census."

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF

Notice is hereby given that a bill substantially as follows will be introduced in the legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To repeal Act. No. 1351, H. B. 2168, Regular Session 1971, (Acts 1971, p. 2296), entitled, "An Act Providing additional allowances for clerk hire fund for the office of probate in all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1351, H. B. 2168, Regular Session 1971, (Acts 1971, p. 2296), entitled "An Act Providing additional allowances for clerk hire fund for the office of probate in all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census," is hereby expressly repealed.

Section 2. This act shall become effective October 1, 1975.

PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF MARSHALL

Before me, the undersigned authority in and for said County in said State, this day personally appeared Pat M. Courington, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Sand Mountain Reporter, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive

weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on August 2, August 9, August 16, and August 23, all in the year 19\_\_\_\_.

PAT M. COURINGTON.

Sworn to and subscribed before me September 11, 1975.

PATRICIA DIANN SMITH,  
Notary Public.

By Mr. McDonald (S):

S. 1209. To repeal Act No. 1114, S. B. 943, Regular Session 1973, (Acts 1973, p. 1876), entitled, "An Act relating to counties having a population of not less than 53,000 nor more than 55,000; to provide an additional expense allowance for the probate judge.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To repeal Act No. 1114, S. B. 943, Regular Session 1973, (Acts 1973, p. 1876), entitled, "An Act relating to counties having a population of not less than 53,000 nor more than 55,000; to provide an additional expense allowance for the probate judge.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1114, S. B. 943, Regular Session 1973, (Acts 1973, p. 1876), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000; to provide an additional expense allowance for the probate judge," is hereby expressly repealed.

Section 2. This act shall take effect on October 1, 1975.

PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF MARSHALL

Before me, the undersigned authority in and for said County in said State, this day personally appeared Pat M. Courington, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Sand Mountain Reporter, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in

the issues of said paper on August 2, August 9, August 16, and August 23, all in the year 1975.

PAT M. COURINGTON.

Sworn to and subscribed before me September 11, 1975.

PATRICIA DIANN SMITH,  
Notary Public.

By Mr. McDonald (S):

S. 1210. To repeal Act No. 277, S. B. 171, Third Special Session 1971, (Acts 1971, p. 4553), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the most recent federal decennial census; to provide an additional expense allowance for the probate judge of said counties."

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To repeal Act No. 277, S. B. 171, Third Special Session 1971, (Acts 1971, p. 4553), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the most recent federal decennial census; to provide an additional expense allowance for the probate judge of said counties."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 277, S. B. 171, Third Special Session 1971, (Acts 1971, p. 4553), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the most recent federal decennial census; to provide an additional expense allowance for the probate judge of said counties," is hereby expressly repealed.

Section 2. This act shall become effective on October 1, 1975.

PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF MARSHALL

Before me, the undersigned authority in and for said County in said State, this day personally appeared Pat M. Courington, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Sand Mountain Reporter, a newspaper of general circulation published in Marshall County, Alabama, and that the attached

notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on August 2, August 9, August 16, and August 23, all in the year 1975.

PAT M. COURINGTON.

Sworn to and subscribed before me September 11, 1975.

PATRICIA DIANN SMITH,  
Notary Public.

By Mr. McDonald (S):

S. 1211. Relating to Marshall County; providing an additional expense allowance for the probate judge.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

#### LEGAL NOTICE

State of Alabama, County of Marshall.

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

Relating to Marshall County; providing an additional expense allowance for the probate judge.

Be It Enacted by the Legislature of Alabama:

Section 1. The probate judge of Marshall County shall be paid an expense allowance of \$5,400 per annum out of the general funds in the county treasury. This expense allowance shall be in addition to any and all other expense allowances, compensation, and salary provided said judge by law.

Section 2. The judge of probate of Marshall County shall also be allowed an additional sum, not exceeding \$2,000 a year, to be used only for the purpose of paying clerks employed in the probate office. This allowance shall be paid in equal monthly installments from the general funds of the county as the amount of salaries of clerks in the probate office may require.

Section 3. This act shall become effective on October 1, 1975.

#### PUBLISHER'S AFFIDAVIT

Legal Notice—Act. providing additional expense allowance for the Probate Judge of Marshall County

Before the undersigned authority personally appeared Porter Harvey who being first duly sworn deposes and says that he is a representative of the Guntersville Advertiser-Glean, a Newspaper published semi-weekly in the City of Guntersville, Marshall County, Alabama; that the notice



attached below has been published in said newspaper for four successive weeks in the issue or issues of said paper dated July 31, Aug. 7, 14, 21 respectively, of which said notice a copy of the same being hereto attached and made a part of this affidavit.

PORTER HARVEY.

Subscribed and sworn to before me this 22nd day of August, 1975.

JOHNNIE COUCH,  
Notary Public.

My Commission Expires Sept. 11, 1977.

By Mr. McDonald (S):

S. 1212. To repeal Act No. 1640, H. B. 2387, Regular Session 1971, (Acts 1971, p. 2795), entitled, "An Act To provide for additional supplemental salary to be paid to circuit judges of the Twenty-seventh Judicial Circuit; and to fix the amount and method of payment thereof."

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

#### LEGAL NOTICE

#### STATE OF ALABAMA COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

To repeal Act No. 1640, H. B. 2387, Regular Session 1971, (Acts 1971, p. 2795), entitled, "An Act To provide for additional supplemental salary to be paid to circuit judges of the twenty-seventh Judicial Circuit; and to fix the amount and method of payment thereof."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1640, H. B. 2387, Regular Session 1971, (Acts 1971, p. 2795), entitled, "An Act To provide for additional supplemental salary to be paid to circuit judges of the Twenty-seventh Judicial Circuit; and to fix the amount and method of payment thereof," is hereby expressly repealed.

Section 2. This act shall become effective on October 1, 1975.

#### PUBLISHER'S AFFIDAVIT

Legal Notice—Act to repeal Act No. 1640, H. B. 2387, regular session 1971, regarding additional supplemental salary to Circuit Judges.

Before the undersigned authority personally appeared Porter Harvey who being first duly sworn deposes and says that he is a representative of the Guntersville Advertiser-Glean, a Newspaper published semi-weekly in

the City of Guntersville, Marshall County, Alabama; that the notice attached below has been published in said newspaper for four successive weeks in the issue or issues of said paper dated July 31, Aug. 7, 14, 21 respectively, of which said notice a copy of the same being hereto attached and made a part of this affidavit.

PORTER HARVEY.

Subscribed and sworn to before me this 22nd day of August, 1975.

JOHNNIE COUCH,  
Notary Public.

My Commission Expires Sept 11, 1977.

By Mr. McDonald (S):

S. 1213. Relating to Marshall County; providing a supplemental salary to the circuit judges of the judicial circuit having jurisdiction in said county.

Committee On Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

### LEGAL NOTICE

#### STATE OF ALABAMA COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

Relating to Marshall County; providing a supplemental salary to the circuit judges of the judicial circuit having jurisdiction in said county.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Marshall County is hereby authorized, empowered and directed to pay to the circuit judges of the judicial circuit having jurisdiction in said county, the sum of eighteen hundred dollars per annum, which shall be paid in equal monthly installments out of the general fund of the county. Such sum shall be in addition to any and all other salary, compensation and expense allowances being paid to said judges by said county.

Section 2. This act shall become effective on October 1, 1975.

#### PUBLISHER'S AFFIDAVIT

Legal Notice—Act. providing a supplemental salary to the Circuit Judges of the Judicial Circuit in Marshall County.

Before the undersigned authority personally appeared Porter Harvey who being first duly sworn deposes and says that he is a representative of the Guntersville Advertiser-Glean, a Newspaper published semi-weekly in

the City of Guntersville, Marshall County, Alabama; that the notice attached below has been published in said newspaper for four successive weeks in the issue or issues of said paper dated July 31, Aug. 7, 14, 31 respectively, of which said notice a copy of the same being hereto attached and made a part of this affidavit.

PORTER HARVEY.

Subscribed and sworn to before me this 22nd day of August, 1975.

JOHNNIE COUCH,  
Notary Public.

My Commission Expires Sept. 11, 1977.

By Mr. McDonald (S):

S. 1214. To repeal Act No. 1637, H. B. 2384, Regular Session 1971 (Acts 1971, p. 2794), entitled, "An Act To provide for the compensation of the register of the circuit court of any county having a population of not less than 53,000 nor more than 55,000 according to the last or any subsequent federal decennial census; to repeal conflicting general, local, or special laws."

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

## LEGAL NOTICE

### STATE OF ALABAMA COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

### A BILL TO BE ENTITLED AN ACT

To repeal Act No. 1637, H. B. 2384, Regular Session 1971 (Acts 1971, p. 2794), entitled, "An Act To provide for the compensation of the register of the circuit court of any county having a population of not less than 53,000 nor more than 55,000 according to the last or any subsequent federal decennial census; to repeal conflicting general, local, or special laws."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1637, H. B. 2384, Regular Session 1971, (Acts 1971, p. 2794), entitled, "An Act To provide for the compensation of the register of the circuit court of any county having a population of not less than 53,000 nor more than 55,000 according to the last or any subsequent federal decennial census; to repeal conflicting general, local, or special laws," is hereby expressly repealed.

Section 2. This Act shall become effective on October 1, 1975.

## PUBLISHER'S AFFIDAVIT

Legal Notice—Act to repeal Act. No. 1637, H. B. 2384 regular session 1971 to provide for the compensation of the Register of the Circuit Court.

Before the undersigned authority personally appeared Porter Harvey who being first duly sworn deposes and says that he is a representative of the Guntersville Advertiser-Gleam, a Newspaper published semi-weekly in the City of Guntersville, Marshall County, Alabama; that the notice attached below has been published in said newspaper for four successive weeks in the issue or issues of said paper dated July 31, Aug. 7, 14, 21 respectively, of which said notice a copy of the same being hereto attached and made a part of this affidavit.

PORTER HARVEY.

Subscribed and sworn to before me this 22nd day of August 1975.

JOHNNIE COUCH,  
Notary Public.

My Commission expires Sept 11, 1977.

By Mr. McDonald (S):

S. 1215. Relating to Marshall County; providing for the compensation of the register of the circuit court.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

## LEGAL NOTICE

STATE OF ALABAMA  
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Marshall County; providing for the compensation of the register of the circuit court.

Be It Enacted by the Legislature of Alabama:

Section 1. In Marshall County the register of the circuit court shall receive an annual salary of ten thousand dollars (\$10,000) to be paid in equal monthly installments from the general funds of the county treasury.

Section 2. This Act shall become effective on October 1, 1975.

## PUBLISHER'S AFFIDAVIT

Legal Notice—Act relating to Salary of Register of the Circuit Court.

Before the undersigned authority personally appeared Porter Harvey who being first duly sworn deposes and says that he is a representative of the Guntersville Advertiser-Glean, a Newspaper published semi-weekly in the City of Guntersville, Marshall County, Alabama; that the notice attached below has been published in said newspaper for four successive weeks in the issue or issues of said paper dated July 31, Aug. 7, 14, 21, respectively, of which said notice a copy of the same being hereto attached and made a part of this affidavit.

PORTER HARVEY.

Subscribed and sworn to before me this 22nd day of August, 1975.

JOHNNIE COUCH,  
Notary Public.

My Commission Expires Sept 11, 1977.

By Mr. McDonald (S):

S. 1216. To repeal Act No. 1337, H. B. 2154, Regular Session 1971 (Acts 1971, p. 2286), entitled "An Act To increase the amount of sick leave with pay allowed school bus drivers in all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census."

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

### LEGAL NOTICE

#### STATE OF ALABAMA COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

To repeal Act No. 1337, H. B. 2154, Regular Session 1971 (Acts 1971, p. 2286), entitled "An Act To increase the amount of sick leave with pay allowed school bus drivers in all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1337, H. B. 2154, Regular Session 1971, (Acts 1971, p. 2286), entitled "An Act To increase the amount of sick leave with pay allowed school bus drivers in all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census," is hereby expressly repealed.

Section 2. This Act shall take effect on October 1, 1975.

## PUBLISHER'S AFFIDAVIT

Legal Notice—Act to repeal Act. N. 1377, H. B. 2154, regular session 1971, relating to amount of sick leave with pay for school bus drivers.

Before the undersigned authority personally appeared Porter Harvey who being first duly sworn deposes and says that he is a representative of the Guntersville Advertiser-Gleam, a Newspaper published semi-weekly in the City of Guntersville, Marshall County, Alabama; that the notice attached below has been published in said newspaper for four successive weeks in the issue or issues of said paper dated July 31, Aug. 7, 14, 21 respectively, of which said notice a copy of the same being hereto attached and made a part of this affidavit.

PORTER HARVEY.

Subscribed and sworn to before me this 22nd day of August, 1975.

JOHNNIE COUCH,  
Notary Public.

My Commission expires Sept 11, 1977.

By Mr. McDonald (S):

S. 1217. Relating to Marshall County; to regulate the amount of sick leave with pay allowed certain school bus drivers.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

## LEGAL NOTICE

STATE OF ALABAMA  
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Marshall County; to regulate the amount of sick leave with pay allowed certain school bus drivers.

Be It Enacted by the Legislature of Alabama:

Section 1. In Marshall County any school bus driver who is regularly employed on a salary basis by the county board of education or a city board of education shall be entitled to receive sick leave with pay, not to exceed seven days in any one calendar year upon proof of incapacitating sickness or injury as evidenced by a doctor's certificate to that effect. If at the end of each calendar year, said school bus driver has not used all of the allowed seven days sick leave, he shall be entitled to one day's pay for each day he has not used.

Section 2. This Act shall become effective on October 1, 1975.

## PUBLISHER'S AFFIDAVIT

Legal Notice—Act relating to amount of sick leave allowing school bus drivers.

Before the undersigned authority personally appeared Porter Harvey who being first duly sworn deposes and says that he is a representative of the Guntersville Advertiser-Glean, a Newspaper published semi-weekly in the City of Guntersville, Marshall County, Alabama; that the notice attached below has been published in said newspaper for four successive weeks in the issue or issues of said paper dated July 31, Aug. 7, 14, 21, respectively, of which said notice a copy of the same being hereto attached and made a part of this affidavit.

PORTER HARVEY.

Subscribed and sworn to before me this 22nd day of August, 1975.

JOHNNY COUCH,  
Notary Public.

My Commission Expires Sept 11, 1977.

By Mr. McDonald (s):

S. 1218. To repeal Act No. 1355, H. B. 2172, Regular Session 1971, (Acts 1971, p. 2298), entitled "An Act To regulate further the feeding of prisoners in jail in all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census."

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

## LEGAL NOTICE

STATE OF ALABAMA  
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To repeal Act No. 1355, H. B. 2172, Regular Session 1971, (Acts 1971, p. 2298), entitled "An Act To regulate further the feeding of prisoners in jail in all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1355, H. B. 2172, Regular Session 1971, (Acts 1971, p. 2298), entitled "An Act To regulate further the feeding of prisoners in jail in all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census," is hereby expressly repealed.

Section 2. This act shall become effective on October 1, 1975.

### PUBLISHER'S AFFIDAVIT

Legal Notice—Act to repeal Act N. 1355, H. B. 2172, regular session 1971, relating to feeding prisoners in jail.

Before the undersigned authority personally appeared Porter Harvey who being first duly sworn deposes and says that he is a representative of the Guntersville Advertiser-Glean, a Newspaper published semi-weekly in the City of Guntersville, Marshall County, Alabama; that the notice attached below has been published in said newspaper for four successive weeks in the issue or issues of said paper dated July 31, Aug. 7, 14, 21 respectively, of which said notice a copy of the same being hereto attached and made a part of this affidavit.

PORTER HARVEY.

Subscribed and sworn to before me this 22nd day of August, 1975.

JOHNNIE COUCH,  
Notary Public.

My Commission Expires Sept 11, 1977.

By Mr. McDonald (S):

S. 1219. To repeal Act No. 2132, H. B. 2578, Regular Session 1971, (Acts 1971, p. 3421), entitled "An Act Relating to all counties having populations of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census; to authorize the employment of two additional deputy sheriffs and to set salaries therefor, and to increase the salaries of the chief deputy sheriff and all deputies employed or authorized to be employed at the effective date of this Act."

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

### LEGAL NOTICE

STATE OF ALABAMA  
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

### A BILL TO BE ENTITLED AN ACT

To repeal Act No. 2132, H. B. 2578, Regular Session 1971, (Acts 1971, p. 3421), entitled "An Act Relating to all counties having populations of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census; to authorize the employment of two additional deputy sheriffs and to set salaries therefor, and to increase the salaries of the chief deputy sheriff and all deputies employed or authorized to be employed at the effective date of this Act."



**Be It Enacted by the Legislature of Alabama:**

Section 1. Act No. 2132, H. B. 2578, Regular Session 1971, (Acts 1971, p. 3421), entitled "An Act Relating to all counties having populations of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census; to authorize the employment of two additional deputy sheriffs and to set salaries therefor, and to increase the salaries of the chief deputy sheriff and all deputies employed or authorized to be employed at the effective date of this Act," is hereby expressly repealed.

Section 2. This Act shall become effective on October 1, 1975.

**PUBLISHER'S AFFIDAVIT**

Legal Notice—Act to repeal Act No. 2132, H. B. 2578, Regular Session 1971, relating to number of sheriff's deputies and salaries, etc.

Before the undersigned authority personally appeared Porter Harvey who being first duly sworn deposes and says that he is a representative of the Guntersville Advertiser-Glean, a Newspaper published semi-weekly in the City of Guntersville, Marshall County, Alabama; that the notice attached below has been published in said newspaper for four successive weeks in the issue or issues of said paper dated July 31, Aug. 7, 14, 21 respectively, of which said notice a copy of the same being hereto attached and made a part of this affidavit.

**PORTER HARVEY.**

Subscribed and sworn to before me this 22nd day of August, 1975.

**JOHNNIE COUCH,**  
Notary Public.

My Commission expires Sept 11, 1977.

By Mr. McDonald (S):

S. 1220. To repeal Act No. 204, H. B. 883, Regular Session 1973, (Acts 1973, p. 238), entitled, "An Act Relating to the office of the Sheriff in all counties having a population of not less than 53,000 nor more than 55,000 inhabitants, according to the most recent federal decennial census; to provide for the number of jailers and an increase in the salary of the jailers and to further provide for an increase in the number of clerks in the Sheriff's office and their salary."

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

**LEGAL NOTICE**

**STATE OF ALABAMA**  
**COUNTY OF MARSHALL**

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To repeal Act No. 204, H. B. 883, Regular Session 1973, (Acts 1973, p. 238), entitled, "An Act Relating to the office of the Sheriff in all counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the most recent federal decennial census; to provide for the number of jailers and an increase in the salary of the jailers and to further provide for an increase in the number of clerks in the Sheriff's office and their salary."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 204, H. B. 883, Regular Session 1973, (Acts 1973, p. 238), entitled "An Act Relating to the office of the Sheriff in all counties having a population of not less than 53,000 nor more than 55,000 inhabitants, according to the most recent federal decennial census; to provide for the number of jailers and an increase in the salary of the jailers and to further provide for an increase in the number of clerks in the Sheriff's office and their salary," is hereby expressly repealed.

Section 2. This Act shall take effect on October 1, 1975.

PUBLISHER'S AFFIDAVIT

Legal Notice—Act to repeal Act No. 204, H. B. 883, Regular Session 1973, relating to the Sheriff's Office.

Before the undersigned authority personally appeared Porter Harvey who being first duly sworn deposes and says that he is a representative of the Guntersville Advertiser-Gleam, a Newspaper published semi-weekly in the City of Guntersville, Marshall County, Alabama; that the notice attached below has been published in said newspaper for four successive weeks in the issue or issues of said paper dated July 31, Aug. 7, 14, 21 respectively, of which said notice a copy of the same being hereto attached and made a part of this affidavit.

PORTER HARVEY.

Subscribed and sworn to before me this 22nd day of August 1975.

JOHNNIE COUCH,  
Notary Public.

My Commission Expires Sept 11, 1977.

By Mr. McDonald (S):

S. 1221. Relating to the office of the sheriff of Marshall County; fixing the compensation of the sheriff's deputies and other employees and providing for the manner of their payment; authorizing the sheriff to receive the allowances prescribed by law for feeding prisoners in jail and requiring him to make monthly statements relative thereto; and repealing conflicting laws, specifically Act No. 673, S. 800, Regular Session 1969 (Acts 1969, p. 1206).

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

## LEGAL NOTICE

STATE OF ALABAMA  
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to the office of the sheriff of Marshall County; fixing the compensation of the sheriff's deputies and other employees and providing for the manner of their payment; authorizing the sheriff to receive the allowances prescribed by law for feeding prisoners in jail and requiring him to make monthly statements relative thereto; and repealing conflicting laws, specifically Act No. 673, S. 800, Regular Session 1969 (Acts 1969, p. 1206).

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to the chief deputy sheriff, the sheriff of Marshall County may appoint twelve deputies, two jailers, one office deputy, two clerks, and one matron, whose compensation shall be payable by the county. The compensation of the chief deputy shall be a salary of not less than \$650 nor more than \$700 per month, and such salaries shall be in lieu of any other compensation authorized by law. The twelve deputies shall each be paid a salary of not less than \$500 nor more than \$600 per month, the monthly salary to be determined by the sheriff. The office deputy shall be paid a salary of not less than \$500 nor more than \$600 a month. The matron shall be paid a salary of not less than \$400 a month and the two jailers shall be paid a salary of not less than \$400 a month. The jailers and the clerks, who shall perform clerical duties in the office of the sheriff, shall be employed only on the approval of the county governing body and their salaries shall be fixed by the county governing body. The compensation of the deputies, office deputy, jailers and matron shall be preferred claims against the general funds of the county, and shall be paid on warrants drawn in the manner prescribed by law.

Section 2. The sheriff of Marshall County shall be entitled to receive the allowance provided for by Code of Alabama 1940, Title 45, Sections 144 and 145, as amended, for the feeding of prisoners in the county jail, and for preparing and serving such food. On or before the tenth day of each month the sheriff of said county shall furnish to the governing body of the county, and to the State Department of Finance and to the State Department of Corrections, an itemized statement, verified by name, race and sex, the offense charged, authority for committing, disposition of prisoner, if sentenced, date sentenced, date discharged, the number of days in jail. The sheriff shall also set out the amount of money actually expended for purchasing and supplying of all foodstuff for feeding prisoners during the month immediately preceding.

Section 3. Act No. 673, S. 800, Regular Session 1969 (Acts 1969, p. 1206) and all other laws or parts of laws, general, local or special, in conflict with this act are hereby repealed.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Section 5. This act shall become effective on October 1, 1975.

#### PUBLISHER'S AFFIDAVIT

Legal Notice—Act relating to the office of Sheriff of Marshall County, fixing compensation of the Sheriff's deputies and other employees.

Before the undersigned authority personally appeared Porter Harvey who being first duly sworn deposes and says that he is a representative of the Guntersville Advertiser-Glean, a Newspaper published semi-weekly in the City of Guntersville, Marshall County, Alabama; that the notice attached below has been published in said newspaper for four successive weeks in the issue or issues of said paper dated July 31, Aug. 7, 14, 21 respectively, of which said notice a copy of the same being hereto attached and made a part of this affidavit.

PORTER HARVEY.

Subscribed and sworn to before me this 22nd day of August 1975.

JOHNNIE COUCH,  
Notary Public.

My Commission expires Sept 11, 1977.

By Mr. McDonald (S):

S. 1222. To repeal Act No. 1349, H. B. 2166, Regular Session 1971, (Acts 1971, p. 2294), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census; fixing the fee for the issuance of pistol permits by the Sheriff, providing for the deposit of such fees in a Sheriff's Fund, providing for the use of such fund, and repealing conflicting laws."

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

#### LEGAL NOTICE

#### STATE OF ALABAMA COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

To repeal Act. No. 1349, H. B. 2166, Regular Session 1971, (Acts 1971, p. 2294), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census; fixing the fee for the issuance of pistol permits by the Sheriff, providing for the deposit of such fees in a Sheriff's Fund, providing for the use of such fund, and repealing conflicting laws."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1349, H. B. 2166, Regular Session 1971, (Acts 1971, p. 2294), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census; fixing the fee for the issuance of pistol permits by the Sheriff, providing for the deposit of such fees in a Sheriff's Fund, providing for the use of such fund, and repealing conflicting laws," is hereby expressly repealed.

Section 2. This Act shall become effective on October 1, 1975.

### PUBLISHER'S AFFIDAVIT

Legal Notice—Act pertaining to population of County and fixing fee for pistol permits by the Sheriff.

Before the undersigned authority personally appeared Porter Harvey who being first duly sworn deposes and says that he is a representative of the Guntersville Advertiser-Glean, a Newspaper published semi-weekly in the City of Guntersville, Marshall County, Alabama; that the notice attached below has been published in said newspaper for four successive weeks in the issue or issues of said paper dated July 31, Aug. 7, 14, 21 respectively, of which said notice a copy of the same being hereto attached and made a part of this affidavit.

PORTER HARVEY.

Subscribed and sworn to before me this 22nd day of August 1975.

JOHNNIE COUCH,  
Notary Public.

My Commission Expires Sept 11, 1977.

By Mr. McDonald (S):

S. 1223. Relating to Marshall County; fixing the fee for the issuance of a pistol permit by the sheriff and providing for the deposit of such fees in a sheriff's fund.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

### LEGAL NOTICE

STATE OF ALABAMA  
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

### A BILL TO BE ENTITLED AN ACT

Relating to Marshall County; fixing the fee for the issuance of a pistol permit by the sheriff and providing for the deposit of such fees in a sheriff's fund.

Be It Enacted by the Legislature of Alabama:

Section 1. In Marshall County the fee for issuance of a permit to carry a pistol concealed on or about the person or in a vehicle as provided by the Code of Alabama 1940, Title 14, Section 177, shall be five dollars (\$5.00), which shall be collected by the sheriff of said county.

Section 2. Any and all monies collected as provided above shall be deposited in any bank within the county into a fund known as the sheriff's fund. Said fund shall be drawn upon by the sheriff of the county or his duly appointed agent and shall be used exclusively for law enforcement purposes and in the discharge of the duties of the sheriff's office as he sees fit. The establishment of the sheriff's fund as provided in this act, and the use of such funds shall in no way diminish or take the place of any other imbursement or other source of income established for the sheriff or for the operation of his office. All funds heretofore obtained from pistol permit fees and credited to any special fund or account in the county treasury under authority of any local or general law shall be returned to the sheriff of such county to be deposited and disbursed as provided above.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

#### PUBLISHER'S AFFIDAVIT

Legal Notice—Act pertaining to fee for pistol permit in Marshall County.

Before the undersigned authority personally appeared Porter Harvey who being first duly sworn deposes and says that he is a representative of the Guntersville Advertiser-Glean, a Newspaper published semi-weekly in the City of Guntersville, Marshall County, Alabama; that the notice attached below has been published in said newspaper for four successive weeks in the issue or issues of said paper dated July 31, Aug. 7, 14, 21 respectively, of which said notice a copy of the same being hereto attached and made a part of this affidavit.

PORTER HARVEY.

Subscribed and sworn to before me this 22nd day of August, 1975.

JOHNNIE COUCH,  
Notary Public.

My Commission Expires Sept 11, 1977.

By Mr. McDonald (S):

S. 1224. To repeal Act No. 1338, H. B. 2155, Regular Session 1971 (Acts 1971, p. 2287), entitled, "An Act Authorizing counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census to provide the County Superintendent of Education an annual expense allowance, in addition to any and all other salary, compensation or allowances now provided for such officer."

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

"To repeal Act No. 1338, H. B. 2155, Regular Session 1971 (Acts 1971, p. 2287), entitled, "An Act Authorizing counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census to provide the County Superintendent of Education an annual expense allowance, in addition to any and all other salary, compensation or allowance now provided for such officer."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1338, H. B. 2155, Regular Session 1971 (Acts 1971, p. 2287), entitled, "An Act Authorizing counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census to provide the County Superintendent of Education an annual expense allowance, in addition to any and all other salary, compensation or allowances now provided for such officer," is hereby expressly repealed.

Section 2. This Act shall become effective on October 1, 1975.

PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF MARSHALL

Before me, the undersigned authority in and for said County in said State, this day personally appeared Edwin H. Reed, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the The Arab Tribune, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 31, August 7, August 14, and August 21, all in the year 1975.

Edwin H. Reed.

Sworn to and subscribed before me August 28, 1975.

DIANN POWELL,  
Notary Public.

My Commission Expires 3-8-77.

By Mr. McDonald (S):

S. 1225. Relating to Marshall County; providing the county superintendent of education an annual expense allowance, in addition to

any and all other salary, compensation or allowances now provided such officer.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Marshall County; providing the county superintendent of education an annual expense allowance, in addition to any and all other salary, compensation or allowances now provided such officer.

Be It Enacted by the Legislature of Alabama:

Section 1. In Marshall County, the county board of education shall provide the county superintendent of education an annual expense allowance of \$2,400 for expenses incurred while executing his duties within said county. Such expense allowance shall be in addition to any and all other salary, compensation or allowances now provided for such officer; further, said superintendent shall be reimbursed for actual expenses while traveling out of said county in the execution of his duties. Said allowance shall be paid by the county board of education out of any educational funds available.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective on October 1, 1975.

PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF MARSHALL

Before me, the undersigned authority in and for said County in said State, this day personally appeared Edwin H. Reed, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the The Arab Tribune, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 31, August 7, August 14, and August 21, all in the year 1975.

EDWIN H. REED.

Sworn to and subscribed before me August 28, 1975.

DIANN POWELL,  
Notary Public.

My Commission Expires 3-8-77.



By Mr. McDonald (S):

S. 1226. To repeal Act No. 1353, H. B. 2170, Regular Session 1971, (Acts 1971, p. 2297), entitled, "An Act Providing additional expense allowances for the tax assessor of all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census."

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit,

A BILL  
TO BE ENTITLED  
AN ACT

To repeal Act No. 1353, H. B. 2170, Regular Session 1971, (Acts 1971, p. 2297), entitled, "An Act Providing additional expense allowances for the tax assessor of all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1353, H. B. 2170, Regular Session 1971, (Acts 1971, p. 2297), entitled, "An Act Providing additional expense allowances for the tax assessor of all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census," is hereby expressly repealed.

Section 2. This act shall become effective on October 1, 1975.

PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF MARSHALL

Before me, the undersigned authority in and for said County in said State, this day personally appeared Edwin H. Reed, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the The Arab Tribune, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 31, August 7, August 14, and August 21, all in the year 1975.

EDWIN H. REED.

Sworn to and subscribed before me August 28, 1975.

DIANN POWELL,  
Notary Public.

My Commission Expires 3-8-77.

By Mr. McDonald (S):

S. 1227. To repeal Act No. 1347, H. B. 2164, Regular Session 1971, (Acts 1971, p. 2293), entitled, "An Act Providing additional expense allowances for the tax collector of all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census."

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To repeal Act No. 1347, H. B. 2164, Regular Session 1971, (Acts 1971, p. 2293), entitled, "An Act Providing additional expense allowances for the tax collector of all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1347, H. B. 2164, Regular Session 1971, (Acts 1971, p. 2293), entitled, "An Act Providing additional expense allowances for the tax collector of all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census," is hereby expressly repealed.

Section 2. This act shall become effective on October 1, 1975.

PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF MARSHALL

Before me, the undersigned authority in and for said County in said State, this day personally appeared Edwin H. Reed, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the The Arab Tribune, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 31, August 7, August 14, and August 21, all in the year 1975.

EDWIN H. REED.

Sworn to and subscribed before me August 28, 1975.

DIANN POWELL,  
Notary Public.

My Commission Expires 3-8-77.

By Mr. McDonald (S):

S. 1228. To repeal Act No. 1357, H. B. 2174, Regular Session 1971 (Acts 1971, p. 2299), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census; authorizing the county governing bodies of said counties to contribute county funds, within the limit herein prescribed, for the use of any non-profit volunteer rescue squad operating within the county."

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To repeal Act No. 1357, H. B. 2174, Regular Session 1971 (Acts 1971, p. 2299), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census; authorizing the county governing bodies of said counties to contribute county funds, within the limit herein prescribed, for the use of any non-profit volunteer rescue squad operating within the county."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1357, H. B. 2174, Regular Session 1971, (Acts 1971, p. 2299), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census; authorizing the county governing bodies of said counties to contribute county funds, within the limit herein prescribed, for the use of any non-profit volunteer rescue squad operating within the county," is hereby expressly repealed.

Section 2. This act shall become effective on October 1, 1975.

PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF MARSHALL

Before me, the undersigned authority in and for said County in said State, this day personally appeared Edwin H. Reed, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the The Arab Tribune, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 31, August 7, August 14, and August 21, all in the year 1975.

EDWIN H. REED.

Sworn to and subscribed before me August 28, 1975.

DIANN POWELL,  
Notary Public.

My Commission Expires 3-8-77.

By Mr. McDonald (S):

S. 1229. Relating to Marshall County; authorizing the county governing body to contribute county funds for the use of any non-profit volunteer rescue squad operating within said county.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Marshall County; authorizing the county governing body to contribute county funds for the use of any non-profit volunteer rescue squad operating within said county.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing body of Marshall County is hereby authorized to appropriate and expend county funds for the purpose of providing contributions for use in the purchase of needed equipment by any organized and established non-profit, volunteer rescue squad operating within the county; provided, that not more than \$2,500 shall be so appropriated or expended in any one fiscal year. After the county governing body shall have duly adopted and recorded in its minutes a resolution to make such contributions, payments shall be made from any funds in the county treasury not otherwise appropriated upon the warrant of the chairman of the county governing body.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective on October 1, 1975.

PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF MARSHALL

Before me, the undersigned authority in and for said County in said State, this day personally appeared Edwin H. Reed, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the The Arab Tribune, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without

cost to the State of Alabama, said notice having appeared in the issues of said paper on July 31, August 7, August 14, and August 21, all in the year 1975.

EDWIN H. REED.

Sworn to and subscribed before me August 28, 1975.

DIANN POWELL,  
Notary Public.

My Commission expires 3-8-77.

By Mr. McDonald (S):

S. 1230. To repeal Act No. 963, H. B. 2044, Regular Session 1973 (Acts 1973, p. 1472), entitled "An Act Relating to counties having populations of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census, providing an annual expense allowance for the circuit clerks of such counties in lieu of and superseding all existing travel or other expense allowances heretofore prescribed by law for such officials."

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To repeal Act No. 963, H. B. 2044, Regular Session 1973 (Acts 1973, p. 1472), entitled "An Act Relating to counties having populations of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census, providing an annual expense allowance for the circuit clerks of such counties in lieu of and superseding all existing travel or other expense allowances heretofore prescribed by law for such officials."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 963, H. B. 2044, Regular Session 1973 (Acts 1973, p. 1472) entitled "An Act Relating to counties having populations of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census, providing an annual expense allowance for the circuit clerks of such counties in lieu of and superseding all existing travel or other expense allowances heretofore prescribed by law for such officials," is hereby expressly repealed.

Section 2. This Act shall become effective on October 1, 1975.

PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF MARSHALL

Before me, the undersigned authority in and for said County in said

State, this day personally appeared Edwin H. Reed, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the The Arab Tribune, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 31, August 7, August 14, and August 21, all in the year 1975.

EDWIN H. REED.

Sworn to and subscribed before me August 28, 1975.

DIANN POWELL,  
Notary Public.

My Commission Expires 3-8-77.

By Mr. McDonald (S):

S. 1231. To repeal Act No. 1048, S. B. 877, Regular Session 1973 (Acts 1973, p. 1660), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the last federal decennial census; to require the use of voting machines at all polling places; to allow the designation of voting places; to permit electors to register votes on any voting machine at the designated voting place; to provide for employment of a custodian of voting machines, how appointed, qualifications, salary, bond; to allow candidates in an election the right to designate a representative to be present at the opening of each voting machine for tabulation of results; candidates to have right to demand in writing of body in charge of ballot boxes to break seals for recanvass of votes in voting machines."

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To repeal Act No. 1048, S. B. 877, Regular Session 1973 (Acts 1973, p. 1660), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the last federal decennial census; to require the use of voting machines at all polling places; to allow the designation of voting places; to permit electors to register votes on any voting machine at the designated voting place; to provide for employment of a custodian of voting machines, how appointed, qualifications, salary, bond; to allow candidates in an election the right to designate a representative to be present at the opening of each voting machine for tabulation of results; candidates to have right to demand in writing of body in charge of ballot boxes to break seals for recanvass of votes in voting machines."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1048, S. B. 877, Regular Session 1973 (Acts 1973, p. 1660), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the last federal decennial census; to require the use of voting machines at all polling places; to allow the designation of voting places; to permit electors to register votes on any voting machine at the designated voting place; to provide for employment of a custodian of voting machines, how appointed, qualifications, salary, bond; to allow candidates in an election the right to designate a representative to be present at the opening of each voting machine for tabulation of results; candidates to have right to demand in writing of body in charge of ballot boxes to break seals for recanvass of votes in voting machines," is hereby expressly repealed.

Section 2. This Act shall become effective on October 1, 1975.

#### PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF MARSHALL

Before me, the undersigned authority in and for said County in said State, this day personally appeared Edwin H. Reed, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the The Arab Tribune, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 31, August 7, August 14, and August 21, all in the year 1975.

EDWIN H. REED.

Sworn to and subscribed before me August 28, 1975.

DIANN POWELL,  
Notary Public.

My Commission Expires 3-8-77.

By Mr. McDonald (S):

S. 1232. Relating to Marshall County; requiring the use of voting machines at all polling places; allowing the designation of polling places; permitting electors to register votes on any voting machine at the designated voting place; providing for employment of a custodian of voting machines, the procedure for his appointment, salary and bond; allowing candidates in an election the right to designate a representative to be present at the opening of each voting machine for tabulation of results; and allowing candidates the right to demand in writing to the body in charge of ballot boxes to break seals for recanvass of votes in voting machine.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be

introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Marshall County; requiring the use of voting machines at all polling places; allowing the designation of polling places; permitting electors to register votes on any voting machine at the designated voting place; providing for employment of a custodian of voting machines, the procedure for his appointment, salary and bond; allowing candidates in an election the right to designate a representative to be present at the opening of each voting machine for tabulation of results; and allowing candidates the right to demand in writing to the body in charge of ballot boxes to break seals for recanvass of votes in voting machine.

Be It Enacted by the Legislature of Alabama:

Section 1. The Judge of Probate of Marshall County shall provide voting machines for all elections, and shall determine the number of voting machines deemed necessary to serve adequately the voters at an election, taking into consideration the nature or character of the election; provided, however, that at each election there shall be maintained at each voting place at least one voting machine for each six hundred registered electors, or fraction thereof, residing in the territory served by the voting place designated for said territory. Except as otherwise provided in Section 110 of Title 17 Code of Alabama 1940 as amended, paper ballots shall not be used in elections at any voting place.

Section 2. No elector shall vote at any voting place other than the voting place of which he is a qualified elector, but any elector whose name appears on the qualified voter's list at a voting place may vote on any voting machine maintained at such voting place, upon presentation of the identification card issued to him by an election officer serving at such voting place and upon signing the poll list maintained at the voting machine at which he proposes to vote. The voting machine at any such voting place shall be numbered consecutively beginning with number 1, and each machine shall display a card indicating the number of that machine. The numbers of such cards shall be clearly visible from the registration table.

Section 3. (a) Subject to the provisions of subsection (b) the Judge of Probate of Marshall County shall designate one voting place in each precinct within the county, or in the equivalent electoral division by whatever name subsequently known, within the county. There shall be only one voting place in each incorporated municipality. The order so designating voting places shall state the location of the voting place within the electoral division for which said voting place is designated. A copy of said order shall be posted at the door of each courthouse.

(b) Except as herein expressly provided, in designating voting places and consolidation of voting places, the county governing body of Marshall County shall be subject to all other laws applicable to the governing body of a county regarding the change or establishment of the districts of a precinct, including but not limited to the provisions of Article 6, Chapter 1, Title 17, Code of Alabama 1940 as amended.

Section 4. A custodian of voting machines shall be appointed by a



committee composed of the Judge of Probate who shall be the Chairman, the Circuit Judge who is senior in office, the Tax Collector, the Sheriff, and the County Judge. Such custodian of voting machines shall have attended a recognized school that teaches the operation and handling of voting machines, or in lieu thereof must have had at least three years experience in the operation and handling of voting machines. The custodian shall be responsible for performing all duties as set out in Section 115 of Title 17, Code of Alabama 1940 as amended. The custodian of voting machines shall receive a salary not to exceed \$5,000 per annum payable in equal monthly installments and before entering upon his duties shall be bonded in the sum of \$10,000 for the faithful performance of his duties as are other public officials.

Section 5. Any candidate in an election shall have the right to designate one representative to be present at each polling place, and such representative shall have the right to observe the conduct of the election as a watcher at such polling place as provided by law, but shall also have the right to observe and be present at the opening of each voting machine when the totals of such machines are tabulated by the election officials. Such representatives shall be appointed as provided by law.

Section 6. Any candidate in an election shall have the right to make demand in writing to the body which, under the general provisions of law, now have charge of and control over ballot boxes, for an order to break the seals of voting machines for the purpose of recanvassing the vote should same become necessary, whereupon all other articles in the "Act to regulate and control primary elections for the nomination by political parties of candidates for public office" and in the "Election Code" shall be followed in making such recanvass and the machine shall be resealed as therein provided. Such demand in writing shall be made not later than ten days subsequent to such election.

Section 7. All general, local, or special laws, or parts of such laws, which conflict with this Act are hereby repealed.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This Act shall become effective on October 1, 1975.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF MARSHALL

Before me, the undersigned authority in and for said County in said State, this day personally appeared Edwin H. Reed, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the The Arab Tribune, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 31, August 7, August 14, and August 21, all in the year 1975.

EDWIN H. REED.

Sworn to and subscribed before me August 28, 1975.

DIANN POWELL,  
Notary Public.

My Commission Expires 3-8-77.

By Mr. McDonald (S):

S. 1233. To repeal Act No. 862, H. B. 1189, Regular Session 1969 (Acts 1969, p. 1570), entitled "An Act To provide further for the dissolution of corporations organized to operate a municipal water, sewer, gas or electric system pursuant to Act No. 175 of the Regular Session of 1951 (Acts 1951, p. 416) in any county having a population of not less than 47,000 nor more than 49,000, according to the most recent federal decennial census; and to provide for the vesting of title to any property and assets then owned by such corporation in the municipality which authorized its incorporation."

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To repeal Act No. 862, H. B. 1189, Regular Session 1969 (Acts 1969, p. 1570), entitled "An Act To provide further for the dissolution of corporations organized to operate a municipal water, sewer, gas or electric system pursuant to Act No. 175 of the Regular Session of 1951 (Acts 1951, p. 416) in any county having a population of not less than 47,000 nor more than 49,000, according to the most recent federal decennial census; and to provide for the vesting of title to any property and assets then owned by such corporation in the municipality which authorized its incorporation."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 862, H. B. 1189, Regular Session 1969 (Acts 1969, p. 1570), entitled, "An Act To provide further for the dissolution of corporations organized to operate a municipal water, sewer, gas or electric system pursuant to Act No. 175 of the Regular Session of 1951 (Acts 1951, p. 416) in any county having a population of not less than 47,000 nor more than 49,000, according to the most recent federal decennial census; and to provide for the vesting of title to any property and assets then owned by such corporation in the municipality which authorized its incorporation," is hereby expressly repealed.

Section 2. This Act becomes effective on October 1, 1975.

## PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF MARSHALL

Before me, the undersigned authority in and for said County in said State, this day personally appeared Edwin H. Reed, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the The Arab Tribune, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 31, August 7, August 14, and August 21, all in the year 1975.

EDWIN H. REED.

Sworn to and subscribed before me August 28, 1975.

DIANN POWELL,  
Notary Public.

My Commission Expires 3-8-77.

By Mr. McDonald (S):

S. 1234. To authorize the sheriff of Marshall County to make certain expenditures without approval of the county commission and to prescribe regulations relative to such expenditures.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

## NOTICE GIVEN FOR INTRODUCTION OF BILL

STATE OF ALABAMA  
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama.

A BILL  
TO BE ENTITLED  
AN ACT

To authorize the sheriff of Marshall County to make certain expenditures without approval of the county commission and to prescribe regulations relative to such expenditures.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Marshall County is hereby authorized to expend up to two hundred dollars (200) per week, not to exceed one thousand dollars (1000) per month, without the approval of the county commission, for essential department expenses. Provided, however, the sheriff shall make affidavit stating that such expenditure was essential to his ability to carry out the duties of his office and shall attach a copy of the purchase order or other like evidence of the expenditure to this affidavit.

Section 2. Any expenditure authorized under the provisions of Section 1 of this act shall not be affected by the provisions of the competitive bid law, Act No. 217, Extraordinary Session of the Legislature of 1967—now appearing in Code of Alabama Recompiled 1958, Title 55, Chapter 22, Sections 506-517.

Section 3. This Act shall become effective October 1, 1975.

**STATE OF ALABAMA  
MARSHALL COUNTY**

Before the undersigned authority personally appeared Mary Ann Moore who first being duly sworn deposes and says that he is the president of The Monitor News Leader, a Newspaper published in Marshall County, Alabama; that he has published the notice in the above captioned cause in said newspaper for 4 successive issues of said paper, published in the issue of said paper dated 8/2, 9, 16, 23/75 respectively, of which said notice a copy of the same being hereto attached and made a part of this affidavit.

MARY ANN MOORE.

Sworn to and subscribed to before me this 8, day of September, 1975.

JOYCE W. DANIEL,  
Notary Public.

My Commission Expires 1-5-77.

By Mr. McDonald (S):

S. 1235. Relating to Marshall County; fixing the compensation of the Judge of the County Court.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

**STATE OF ALABAMA  
COUNTY OF MARSHALL**

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

**A BILL  
TO BE ENTITLED  
AN ACT**

Relating to Marshall County; fixing the compensation of the Judge of the County Court.

Be It Enacted by the Legislature of Alabama:

Section 1. The Judge of the County Court of Marshall County shall be entitled to a salary of Eighteen Thousand Dollars (\$18,000) per annum payable from the general funds of the county in equal installments.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective on October 1, 1975.

**STATE OF ALABAMA  
MARSHALL COUNTY**

Before me, a notary public, in and for said State and County personally appeared the undersigned, Pat M. Courington, Sr., who being first duly sworn according to law, deposes and says that he is the Publisher of the Sand Mountain Reporter, a newspaper of general circulation, published at Albertville, in Marshall County, Alabama; that the attached notice, which is a part of the affidavit, was published in the issues of said newspaper, date August 16, 1975, and August 23, 1975, August 30, 1975, September 6, 1975.

PAT M. COURINGTON,  
Publisher.

Sworn to and subscribed before me this the 15 day of September 1975.

PATRICIA DIANN SMITH,  
Notary Public.

By Mr. McDonald (S):

S. 1236. To provide for an increase of compensation to be paid by Marshall County for the Court Reporters of the 27th Judicial Circuit.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

**PROPOSED LEGISLATION****STATE OF ALABAMA  
COUNTY OF MARSHALL**

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

**A BILL  
TO BE ENTITLED  
AN ACT**

To provide for an increase of compensation to be paid by Marshall County for the Court Reporters of the 27th Judicial Circuit.

Section 1. In addition to present compensation, each of the Court reporters of the 27th Judicial Circuit shall receive an additional \$3600.00 per year for their regular services, said compensation to be paid by the Marshall County Commission in twelve equal monthly installments in the same form and manner as other compensation or salary is presently paid to said Court Reporters.

Section 2. This Act shall become effective upon its passage and approval by the governor, or upon its otherwise becoming a law.

**PROOF OF PUBLICATION****STATE OF ALABAMA  
COUNTY OF MARSHALL**

Before me, the undersigned authority in and for said County in said

State, this day personally appeared Porter Harvey, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Advertiser-Gleam, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Aug. 28, Sept. 4, Sept. 11, and Sept. 15, all in the year 1975.

PORTER HARVEY.

Sworn to and subscribed before me Sept. 15, 1975.

JOHNNIE COUCH,  
Notary Public.

By Mr. Waldrop:

S. 1237. Relating to counties having population of not less than 90,000 nor more than 100,000 according to the most recent federal decennial census; levying a privilege license tax upon the sale, use or consumption, distributing, storing or withdrawing from storage, of malt or brewed beverages within such counties; providing for the collection and distribution of the proceeds of said tax; providing for the administration of the Act; providing penalties for violations of the Act; repealing conflicting laws, including municipal ordinances; providing that this Act be severable; and providing for the effective date hereof.

Committee on Local Legislation No. 1.

By Mr. Torbert:

S. 1238. To provide for creation of a permanent joint highway committee of the Legislature to facilitate and coordinate a long-range program of highway development in the state, to empower said committee to review and approve long-range (20-year) highway development plans, review annual plans for highway construction, modification, maintenance and administration and annual budgets for the State Highway Department, which plans and budgets shall be submitted to said committee by the State Highway Department; to empower said committee to review priorities for all highway construction and modification projects under jurisdiction of the State Highway Department, to inspect performance of state highway functions, to conduct hearings, call witnesses and employ consultants, and to do all things necessary or desirable in connection with and incidental to the foregoing functions, and to require that all highway legislation be referred to said committee for its recommendations and approval.

Committee on Rules.

By Mr. McDonald (S):

S. 1239. To provide for the manufacture, distribution and sale of bread in one-half pound loaves within this state.

Committee on Commerce, Transportation, and Utilities.

By Mr. Perry:

S. 1240. Relating to all counties having a population of not less than 24,900 nor more than 25,150 inhabitants according to the most recent federal decennial census; to abolish all supernumerary offices and positions in such counties and to repeal all conflicting statutes.

Committee on Local Legislation No. 1.

By Mr. Waldrop:

S. 1241. To repeal Act No. 208, H. 130, Third Special Session of 1975, approved May 5, 1975, entitled "To apply only in counties having a population of not less than 90,000 nor more than 100,000, according to the most recent federal decennial census; to better secure the administration of the financial affairs of such counties by vesting in the chairman and members of the county commission a direct and effective financial supervision over all county offices, departments, boards and agencies; to provide for the annual initiation and preparation of a balanced budget of all revenue and expenditures for the County General Fund, Road and Bridge Fund, Gasoline Fund, Public Highway and Traffic Fund, and other funds, including a tentative budget and hearings on the same before adoption of a final budget; to prohibit expenditures in excess of budgeted amounts, and to provide personal civil liability for any department head or other official in charge who violates such prohibition; to provide for proration to prevent an overdraft or deficit; to provide for lapsing of sums budgeted but not expended; to provide that the county commission shall have authority to hire a central purchasing agent in order to make possible the most efficient and economical means of expending county funds; to regulate the office of central purchasing agent and to provide penalties for violations to set the effective date of this act and to repeal conflicting laws."

Committee on Local Legislation No. 1.

### RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 127. Resolved by the Senate, That the following bills shall be the paramount and continuing order of business, immediately upon adoption of this resolution, taking precedence over all other business, for the 30th legislative day only:

All uncontested local bills, as they appear on the calendar and the following general bills:

Bill No.	Page No.	Description
H. B. 815	162	Board—General Contractors
H. B. 1278	163	Department of Aeronautics
S. B. 170	3	Fire Marshall
S. B. 164	2	Insurance Department
S. B. 1041	153	Insurance Department
S. B. 576	44	Mountain Creek Park
S. B. 254	149	UCMJ
H. B. 300	165	Medical Liability
S. B. 400	122	Judicial Article
S. B. 1156	122	Elected officials
S. B. 1133	121	Elected officials

H. B. 713	143	Alabama State
H. B. 180	134	State Parks
H. B. 528	136	Asst. DA — Dothan
S. B. 1091	154	Re-name street
S. B. 7	34	Public schools
H. B. 87	102	City Recorders
S. B. 1126	134	Senior legislative counsel
H. B. 603	137	Asst. DA — Montgomery
S. B. 693	62	Asst. DA — 15th and 16th
S. B. 1128	133	Highway Department
S. B. 1129	132	Highway Department
S. B. 1102	138	Medical Clinic Boards
S. B. 763	38	Criminals
S. B. 908	88	Non-profit corporation act
S. B. 95	47	Evidence in rape case
S. B. 911	51	Catfish marketing
H. B. 367	108	Paint sales
S. B. 519	34	Teacher units
S. B. 64	106	Home Rule
S. B. 883	100	Political sub-divisions
H. B. 39	44	Department of Labor
S. B. 864	103	State Toxicology
H. B. 517	76	Local governments—ins.
S. B. 293	71	Speech
S. B. 470	3	Coastal area board
H. B. 1022	99	State-owned vehicles
S. B. 712	135	Liquidation of corporations
H. B. 396	121	Department of Education
S. B. 445	164	Insurance—Chiropractors
S. B. 1039	80	Unemployment compensation
S. B. 1040	78	Workmen's compensation
S. B. 94	16	Insurance Department
H. B. 92	53	Bank equalization of rates
H. B. 500	161	State Employees



H. B. 442	59	Cons. Department
H. B. 665	162	Cons. Department
S. B. 1019	66	Department of Agriculture
S. B. 699	1	Probate Judges
H. B. 571	81	Probate Judges
S. B. 291	7	ACHE
S. B. 760	69	Child Dev. Council
S. B. 154	148	Retirement
H. B. 251	48	Insurance agents

On motion of Mr. Foshee, said Resolution was adopted by the Senate.

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 33. To make an appropriation from the state treasury for the relief of Mrs. Mary Jeanette Day.

Also:

S. 141. To amend Section 1 of Act No. 900, H. 1674, of the 1971 Regular Session, (Acts of 1971, p. 1663) entitled, "An Act relating to counties having populations of not less than 34,000 nor more than 34,800; according to the most recent federal decennial census; providing for the payment or reimbursement by said counties to the members, including the chairman, of the county commission, of their actual expenses incurred in the performance of their duties outside the county, including expenses incurred by them in attending conventions of the National Association of County Commissioners and the Alabama Association of County Commissioners," by providing in Section 1 thereof that expenses incurred by members of the County Commission, including the chairman, incurred in attending conventions of the National Association of County Commissioners and the Alabama Association of County Commissioners not be included in the Five Hundred Dollars (\$500.00) limitations placed on expenses by said Section 1.

Also:

S. 562. To amend Section 3 of Act No. 366, H. 1229, 1973 Regular Session (Acts of 1973, p. 518) entitled "To provide for Supernumerary Judges of the County Courts in the various counties of the State of Alabama having a population of more than 150,000 and less than 180,000 according to the last federal census, describing their duties, setting up the requirements and qualifications, fixing their compensation, status and

tenure of office and providing for the payment of their salaries"; so as to change the percentage basis of the salaries.

E. C. FOSHEE,  
Chairman.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

#### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 67. Commending the Democratic Party on Election Law Reform.

Also:

S. J. R. 72. Wishing Jerry Batts Good Luck.

Also:

S. J. R. 81. Mourning the death of Bobby Rich.

Also:

S. J. R. 84. Wishing E. J. "Boots" Gosdin a speedy recovery.

Also:

S. J. R. 86. Commending Major General Thomas W. Morgan.

Also:

S. J. R. 87. Commending William A. Kynard.

Also:

S. J. R. 96. Mourning the death of former Senator Herbert Conway.

Also:

S. J. R. 111. Wishing Senator Vacca a Happy Birthday.

E. C. FOSHEE,  
Chairman.

#### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a

quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

### REPORT FROM RULES

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 106. DESIGNATING THE RACKING HORSE AS THE OFFICIAL STATE HORSE.

On motion of Mr. Pearson, said Resolution was then adopted by the Senate.

### SPECIAL ORDER

#### BILLS ON THIRD READING

The Senate proceeded to consideration of the special, paramount and continuing order of the day, the first of which was the Bill:

H. 121. To provide for the appointment, duties and Compensation of Twenty-one Deputy District Attorneys in the Tenth Judicial Circuit of Alabama, Birmingham Division.

And said Bill, H. B. 121, was then read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Perry, Powell, Roberts, Shelby, Stewart, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

S. 855. To authorize and provide for the incorporation in any county having a population of not less than 600,000, according to the last or any subsequent federal decennial census, of public corporations for the purpose of promoting the industrial development of the county and municipalities therein and particularly the development and commercial use of the inland waterways in such counties through the acquisition and preparation of suitable wharves, docks, warehouses, and other port and related facilities; to provide for the election and compensation of directors of any such authority; to provide for the powers, authorities and duties of any such authority and its board of directors; specifically to authorize any such authority to acquire, construct, operate, improve and finance wharves, docks, warehouses, and other port and related facilities, and specifically to apply to the United States Foreign Trade Zones Board for permission to establish, operate and maintain a foreign trade zone and, if such permission is granted, then to establish, operate and maintain such a

foreign trade zone; to confer on such authority the power of eminent domain; to provide for the issuance by any such authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of the revenues of any facilities or other property of such authority, without regard to the facilities or property with respect to which such securities may have been issued; to provide that such securities shall constitute negotiable instruments; to regulate and provide further for the issuance of, security for (including the pledge of certain revenues and properties to the payment thereof), and use of the proceeds of such securities; to provide for refunding of such securities; to provide that such securities issued and contracts entered into by any such authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to provide that any county, municipality, other political subdivision, public corporation, agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any port facilities or other property to any such authority; to exempt the property and income of any such authority, all securities issued by such authority and the income from such securities, and all conveyances, leases, mortgages and deeds of trust to which such authority is a party, from all taxation in the state, including license and excise taxes, levied by any county, municipality, or political subdivision of the state; to exempt such authority from payment of certain charges to judges of probate; to exempt every authority from certain tort liability; and to provide that certain employees of such authority shall be subject to and covered by any merit or civil service system applicable to the employees of the county and municipality by which the incorporation of the authority was authorized if there is such a system applicable to the employees of both the city and county, and, if there is no such system, then to either the county or municipal system, which the authority selects; and to provide for the dissolution of any such authority and the disposition of its property.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following substitute for the Bill, S. B. 855, to-wit:

#### COMMITTEE SUBSTITUTE FOR S. B. 855

##### A BILL TO BE ENTITLED AN ACT

To authorize and provide for the incorporation in any county having a population of not less than 600,000, according to the last or any subsequent federal decennial census, of public corporations for the purpose of promoting the industrial development of the county and municipalities therein and particularly the development and commercial use of the inland waterways in such counties through the acquisition and preparation of suitable wharves, docks, warehouses, and other port and related facilities; to provide for the election and compensation of directors of any such authority; to provide for the powers, authorities and duties of any such authority and its board of directors; specifically to authorize any such authority to acquire, construct, operate, improve and finance wharves, docks, warehouses, and other port and related facilities, and specifically to

apply to the United States Foreign Trade Zones Board for permission to establish, operate and maintain a foreign trade zone and, if such permission is granted, then to establish, operate and maintain such a foreign trade zone; to confer on such authority the power of eminent domain; to provide for the issuance by any such authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of the revenues of any facilities or other property of such authority, without regard to the facilities or property with respect to which such securities may have been issued; to provide that such securities shall constitute negotiable instruments; to regulate and provide further for the issuance of, security for (including the pledge of certain revenues and properties to the payment thereof), and use of the proceeds of such securities; to provide for refunding of such securities; to provide that such securities issued and contracts entered into by any such authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to provide that any county, municipality, other political subdivision, public corporation, agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any port facilities or other property to any such authority; to exempt the property and income of any such authority, all securities issued by such authority and the income from such securities, and all conveyances, leases, mortgages and deeds of trust to which such authority is a party, from all taxation in the state, including license and excise taxes, levied by any county, municipality, or political subdivision of the state; to exempt such authority from payment of certain charges to judges of probate; to exempt every authority from certain tort liability; and to provide that certain employees of such authority shall be subject to and covered by any merit or civil service system applicable to the employees of the county by which the incorporation of the authority was authorized if there is such a system applicable to the employees of the county, and to provide for the dissolution of any such authority and the disposition of its property.

Be It Enacted by the Legislature of Alabama:

Section 1. Declaration of Purpose and Legislative Findings. The legislature has found and determined and does hereby declare that in counties having a population of not less than 600,000 according to the most recent federal decennial census, and in the municipalities situated in such counties the following conditions exists: (a) that the recent improvement of the state's inland waterways is bringing about an ever expanding use of such waterways, and the tremendous growth of commerce on such waterways has created a critical need for industrial expansion and development in general and a particularly critical need for wharves, piers, docks, quays, grain elevators, cotton compresses, warehouses, water and rail terminals and other structures and facilities needful in such commerce and for the convenient use of such waterways; (b) that the continued economic growth of such counties and municipalities and the general health and welfare of the citizens of such counties and municipalities will be greatly benefited by the development of docks and other related facilities along the inland waterways in or near such counties; and (c) that it is necessary and desirable and in the best interest of the citizens of such counties and municipalities therein that provisions be made for the establishment in such counties of public corporations to provide such facilities. The legislature does hereby further declare its intention by the

passage of this act, to promote and advance the use of the inland waterways and the development of industry and commerce growing out of such use in the counties and municipalities to which this act applies by authorizing the establishment of public corporations in such counties as the agent of such counties vested with the powers and authority to provide the facilities needed or convenient for such development as hereinafter provided.

**Section 2. Definitions.** Wherever used in this act, unless a different meaning clearly appears in the context, the following terms and others evidently intended as the equivalent thereof, shall be given the following respective interpretations:

**"Applicant"** means a natural person who files a written application with the governing body of any county to which this act applies, and with the governing body of any municipality in any such county in accordance with the provisions of Section 3 hereof.

**"Authority"** means a public corporation organized pursuant to the provisions of this act.

**"Authorizing county"** means the county which has adopted an authorizing resolution.

**"Authorizing resolution"** means the resolution that authorizes the incorporation of an authority, adopted by the governing body of any county to which this act applies in accordance with the provisions of Section 3 hereof.

**"Board"** means the board of directors of an authority.

**"Bonds"** means and shall include bonds, notes and certificates representing an obligation to pay money.

**"County"** means any county in the state.

**"County of incorporation"** means the county in which the corporation is formed.

**"Director"** means a member of the board of directors of the authority.

**"Dock facilities"** means docks and all kinds of dock facilities, including elevators, warehouses, water and rail terminals, wharves, piers, quays, compresses and other related structures, facilities and improvements that may be needed for the convenient use of the inland waterways of the state, as well as the land on which such facilities are located which lie within or near a county in which this act applies.

**"Governing body"** means, with respect to a municipality, its city or town council, board of commissioners, or other like governing body. **"Governing body"** with respect to a county means the county commission or other like governing body.

**"Herein," "hereby," "hereunder," "hereof,"** and other equivalent words refer to this act as an entirety and not solely to the particular section or portion thereof in which any such word is used.

**"Incorporators"** means the persons forming a public corporation organized pursuant to the provisions of this act.

**"Municipality"** means an incorporated city or town of the state.

"Person," unless limited to a natural person by the context in which it is used, includes a public or private corporation, a municipality, a county, or an agency, department or instrumentality of the state or of a county or municipality.

"Principal office" means the place at which the certificate of incorporation and amendments thereto, the by-laws, and the minutes of the proceedings of the board of an authority are kept.

"Property" means and includes real and personal property, and interests therein.

"State" means the State of Alabama.

The definitions set forth in this section shall be deemed to include both singular and plural and to cover all genders.

**Section 3. Filing of Application; Authorization of Incorporation by Governing Body of Authorizing County.** A public corporation may be organized pursuant to the provisions of this act in any county having a population of not less than 600,000 according to the last or any subsequent federal decennial census. In order to incorporate such a public corporation, any number of natural persons, not less than three, shall first file a written application with the governing body of the county which application shall:

(1) Contain a statement that the applicants propose to incorporate an authority pursuant to the provisions of this act;

(2) State the proposed location of the principal office of the authority, which shall be within the county in which such application is filed;

(3) State that each of the applicants is a duly qualified elector of the county;

(4) Request that the governing body of such county adopt a resolution declaring that it is wise, expedient, and necessary that the proposed authority be formed and authorizing the applicants to proceed to form the proposed authority by the filing for record of a certificate of incorporation in accordance with the provisions of Section 4 hereof.

Every such application shall be accompanied by such supporting documents or evidence as the applicants may consider appropriate. As promptly as may be practicable after the filing of the application with it in accordance with the provisions of this section, the governing body of the county with which the application was filed, shall review the contents of the application, and shall adopt a resolution either (a) denying the application or (b) declaring that it is wise, expedient, and necessary that the proposed authority be formed and authorizing the applicants to proceed in accordance with the provisions of Section 4 hereof to form the proposed authority. The governing body with which the application is filed shall also cause a copy of the application to be spread upon or otherwise made a part of the minutes of the meeting at which final action upon said application is taken.

**Section 4. Procedure to Incorporate; Contents and Execution of Certificate of Incorporation.** Within forty (40) days following the adoption of authorizing resolution the applicants shall proceed to incorporate an authority by filing for record in the office of the judge of probate of the county of incorporation a certificate of incorporation which shall comply in

form and substance with the requirements of this section and which shall be in the form and executed in the manner herein provided.

The certificate of incorporation of the authority shall state:

- (1) The names of the persons forming the authority, and that each of them is a duly qualified elector of the authorizing county;
- (2) The name of the authority (which shall be "Port Authority," with the insertion of the name of the authorizing county and, if deemed appropriate by the incorporators, of additional identifying words);
- (3) The period for the duration of the authority (if the duration is to be perpetual, subject to the provisions of Section 19 hereof, that fact shall be stated);
- (4) The name of the authorizing county together with the date on which the governing body thereof adopted the authorizing resolution;
- (5) The location of the principal office of the authority, which shall be in the authorizing county;
- (6) That the authority is organized pursuant to the provisions of this act; and
- (7) Any other matters relating to the authority that the incorporators may choose to insert and that are not inconsistent with this act or with the laws of the state.

The certificate of incorporation shall be signed and acknowledged by the incorporators before an officer authorized by the laws of the state to take acknowledgments to deeds. When the certificate of incorporation is filed for record, there shall be attached to it (a) a copy of the application as filed with the governing body of the authorizing county and municipality, in accordance with the provisions of Section 3 hereof, (b) a certified copy of the authorizing resolution adopted by the governing body of the authorizing county, and (c) a certificate by the secretary of state that the name proposed for the authority is not identical to that of any other corporation organized under the laws of the state or so nearly similar thereto as to lead to confusion and uncertainty. Upon the filing for record of the said certificate of incorporation and the documents required by the preceding sentence to be attached thereto, the authority shall come into existence and shall constitute a public corporation under the name set forth in said certificate of incorporation. The judge of probate shall thereupon send a notice to the secretary of state that the certificate of incorporation of the authority has been filed for record.

Section 5. Amendments to Certificate of Incorporation. The certificate of incorporation of any authority incorporated under the provisions of this act may at any time and from time to time be amended in the manner provided in this section. The board of directors of the authority shall first adopt a resolution proposing an amendment to the certificate of incorporation which shall be set forth in full in the said resolution and which amendment may include any matters which might have been included in the original certificate of incorporation.

After the adoption by the board of a resolution proposing an amendment to the certificate of incorporation of the authority, the chairman of the board or other chief executive officer of the authority and the secretary of the authority shall sign and file a written application in the



name of and on behalf of the authority, under its seal, with the governing body of the authorizing county requesting such governing body to adopt a resolution approving the proposed amendment, and accompanied by a certified copy of the said resolution adopted by the board proposing the said amendment to the certificate of incorporation, together with such documents in support of the application as the said chairman or other chief executive officer may consider appropriate. As promptly as may be practicable after the filing of the said application the governing body of the authorizing county shall review the said application and shall adopt a resolution either denying the said application or authorizing the proposed amendment. Such governing body shall also cause a copy of the said application and all accompanying documents to be spread upon or otherwise made a part of the minutes of the meeting of said governing body at which final action upon the said application is taken.

Within forty (40) days following the adoption by the governing body of the authorizing county of a resolution approving the proposed amendment the chairman of the board or other chief executive officer of the authority and the secretary of the authority shall sign, and file for record in the office of the judge of probate of the county of incorporation a certificate in the name of and in behalf of the authority, under its seal, reciting the adoption of said respective resolutions by the board and by the said governing bodies and setting forth the said proposed amendment.

Section 6. Board of Directors. Each authority shall be governed by a board of directors. All powers of the authority shall be exercised by the board or pursuant to its authorization. The board shall consist of seven directors, who shall be appointed for staggered terms as hereinafter provided. The positions on the board shall be numbered from one to seven inclusive. The initial term of office of the members of the board in positions one, two, three and seven shall begin immediately upon their respective appointments and shall end at 12:01 o'clock, a.m., on the second anniversary date of the filing for record of the certificate of incorporation of the authority. The initial terms of office of the directors in positions numbered four, five and six shall begin immediately upon their respective appointments and shall end at 12:01 o'clock, a.m., on the fourth anniversary date of the filing for record of the certificate of incorporation of the authority. Thereafter, the term of office of each such director shall be four years. Directors for all positions shall be appointed by the governing body of the authorizing county. If at any time there should be a vacancy on the board, a successor director to serve for the unexpired term applicable to such vacancy shall be appointed by the same appointing authority hereinabove authorized to fill such position. Each appointment of a director, whether for a full four-year term or to complete an unexpired term, shall be made not earlier than thirty days prior to the date on which such director is to take office as such. Each director must be a duly qualified elector of the authorizing county. Directors shall be eligible for reappointment. Each director shall be reimbursed for expenses actually incurred by him in and about the performance of his duties. The chairman shall, if said certificate so provides, be compensated in an additional amount not to exceed \$2,400.00 per year. Any director of the authority may be impeached and removed from office in the same manner and on the same grounds provided by Section 175 of the Constitution of Alabama and the general laws of the state for impeachment and removal of the officers mentioned in said Section 175.

Section 7. Powers of Authority. The authority shall have the following powers, together with all powers incidental thereto or necessary to the discharge thereof in corporate form:

(1) To have succession by its corporate name for the duration of time (which may be perpetuity, subject to the provisions of Section 19 hereof) specified in its certificate of incorporation;

(2) To sue and be sued in its own name in civil suits and actions, excepting actions in tort, and to defend suits against it;

(3) To adopt and make use of a corporate seal and to alter the same at pleasure;

(4) To adopt and alter by-laws for the regulation and conduct of its affairs and business;

(5) To acquire, receive and take, by purchase, gift, lease, devise or otherwise, and to hold property of every description, real, personal or mixed;

(6) To make, enter into, and execute such contract, agreements, leases and other instruments and to take such other actions as may be necessary or convenient to accomplish any purpose for which the authority was organized or to exercise any power expressly granted hereunder;

(7) To plan, establish, develop, acquire, purchase, lease, construct, reconstruct, enlarge, improve, maintain, equip, operate, regulate and protect industrial and commercial facilities and port of dock facilities in the county of incorporation, including the acquisition, construction, installation, equipment, maintenance and operation at such port of facilities, buildings, wharves and other facilities and the improvements that may be needed for economical and convenient use of the inland waterways in or near such municipality, and the purchase and sale of supplies, goods, and commodities as are incident to navigation and commerce on such waterways;

(8) To construct, acquire, establish, improve, extend, enlarge, reconstruct, equip, maintain, repair and operate inland ports (by whatever name such may be known), landing, loading or storage areas and transportation terminals;

(9) To construct, acquire, establish, improve, extend, reconstruct, equip, maintain and repair buildings, structures and facilities, suitable for use as parks, exhibits or exhibitions at, upon or adjacent to any port or dock facility owned or operated by such authority, and to lease or let such buildings, structures and facilities or any one or more of them to such tenant or tenants, for such term or terms, at such compensation or rental and subject to such provisions, limitations and conditions as the authority may require or approve;

(10) To furnish or supply upon any port or docking area owned or operated by or under the jurisdiction of the authority to persons and boats and other vessels for reward or compensation, goods, commodities, area, facilities and services convenient or useful to the owners, operators and users of the inland waterways, and to persons upon such waterways, including, without limiting the generality of the foregoing, food, lodging, shelter, lawful drinks, confections, reading matter, oil, gasoline, boats, motors, and parts and equipment therefor, space in buildings, space for

buildings and structures, parking spaces for boats and other watercraft, and the services of mechanics, instructors and hostlers;

(11) To confer upon individuals, firms, corporations or companies for reward or compensation the privilege or concession of supplying upon any port or docking area owned or operated by or under the jurisdiction of the authority, all or any part of the goods, commodities, things, services and facilities in clause (10) of this section authorized to be supplied;

(12) To acquire, by purchase, gift, devise, lease, or otherwise, existing ports, docks, and other navigation facilities in the county, provided, however, that the authority shall not acquire or take over any port or navigation facility owned or controlled by any county, municipality or public agency of the state, or any one or more thereof, without the consent of such county, municipality or public agency;

(13) To sell and issue bonds of the authority in order to provide funds for any corporate function, use or purpose, any such bonds to be payable solely out of the revenues derived from any facilities of the authority;

(14) To assume obligations secured by a lien on, or payable out of or secured by a pledge of the revenues from, any ports, docks or related facilities or any part thereof, that may be acquired by the authority, any obligation so assumed to be payable by the authority solely out of the revenues derived from the operation of any such facilities of the authority;

(15) To pledge for payment of any bonds issued or obligations assumed by the authority any revenues from which those bonds or obligations are made payable as herein provided;

(16) To execute and deliver, in accordance with the provisions of this section and of Section 9 hereof, mortgages and deeds of trust and trust indentures, or either;

(17) To exercise the power of eminent domain in the manner provided in and subject to the provisions of Title 19 of the Code of Alabama of 1940, as amended, with respect to any property, real, personal or mixed, including structures and obstructions to navigation and the commercial use of the inland waterways and property already devoted to public use that may be necessary for the construction, extension, maintenance, operation, protection, enlargement, improvement or preservation of a port or related facility, provided, however, that this clause shall not be deemed to authorize the authority to acquire, without the consent of the owner or owners thereof, any facilities from which public transportation service is at the time being furnished;

(18) Subject to the provisions of Section 17 of this act, to appoint, employ, contract with, and provide for the compensation of, such officers, employees and agents, including but without limitation to engineers, attorneys, management consultants, and fiscal advisers, as the business of the authority may require, and at its option to provide a system of disability pay, retirement compensation and pensions, or any part of them;

(19) To make and enforce reasonable rules and regulations governing the use of any ports, docks or other facilities owned or controlled by the authority;

(20) To provide for such insurance, including but without limitation to use and occupancy insurance, as the board may deem advisable;

(21) To invest any funds of the authority that the board may determine are not presently needed in the operation of its properties in bonds of the United States of America, bonds of the state, bonds of any county or municipality, and interest bearing bank deposits, or any thereof;

(22) To cooperate with the United States of America, any agency or instrumentality thereof, the state, any county, municipality or other political subdivision of the state and any public corporation organized under the laws of the state and to make such contracts with them, or any of them, as the board may deem advisable to accomplish the purposes for which the authority was established;

(23) To sell and convey any of its properties that may have become obsolete or worn out or that may no longer be needed or useful as a part of a port, dock or any other facilities of the authority;

(24) To sell and convey, with or without valuable consideration, any of its properties to any one or more counties, municipalities, or public corporations organized under the laws of the state, which have the corporate power to operate the properties so conveyed and the property and income of which are not subject to taxation; provided, that any such sale and conveyance may be made (a) only with the consent of the authorizing county as evidenced by a resolution adopted by its governing body, and (b) only if any such conveyance would not constitute a breach of any then outstanding mortgage and deed of trust, trust indenture, or other agreement to which the authority is a party;

(25) To enter into a management agreement or agreements with any person for the management by or for the authority of any ports, docks or other facilities upon such terms and conditions as may be mutually agreeable; and

(26) To fix and revise from time to time reasonable fees, tolls, rents and other charges for the use of any facilities owned or operated by the authority, and to collect all charges made by it.

(27) To apply to the United States Foreign Trade Zones Board for permission to establish, operate and maintain a foreign trade zone in or adjacent to any port or docks facilities in the county of incorporation when the establishment of such zone, in the opinion of the board of directors, will promote the economical and convenient use of the inland waterways in and near such county. If such application is granted then the authority shall have all powers and authority needed to establish, operate and maintain a trade zone and to comply with all the federal laws and duly prescribed rules of the United States Foreign Trade Zones Board relating to the establishment, operation and maintenance of such foreign trade zone.

Nothing herein shall be construed to permit an authority to acquire, receive, take, hold, establish, develop, construct, reconstruct, enlarge, improve, maintain, equip or operate any property located outside the county of incorporation.

Section 8. Fees, Tolls, Rents and Charges. Docking fees, toll fees, rents and other charges for the use of the port, docks and related facilities owned or operated by the authority shall be so fixed and from time to time revised as at all times to provide funds at least sufficient (a) to pay the cost of operating, maintaining, repairing, replacing, extending and improving such facilities; (b) to pay the principal of and the interest on all bonds issued and obligations assumed by the authority, that are payable out of

the revenues derived from operation of such facilities as the said principal and interest become due and payable; (c) to create and maintain such reserve for the foregoing purposes or any of them as may be provided in any mortgage and deed of trust or trust indenture executed by the authority hereunder or in any resolutions of the board authorizing the issuance of bonds, the assumption of any obligation, or the acquisition of any such facilities, and (d) to make such annual payments, if any, to the United States of America or any agency or instrumentality thereof, the state, municipalities, counties, departments, authorities, agencies, and political subdivisions of the state and any public corporations organized under the laws of the state as the authority may have contracted to make.

**Section 9. Bonds of Authority. (a) Execution.** All bonds issued by the authority shall be signed by the chairman of its board or other chief executive officer and attested by its secretary, and the seal of the authority shall be affixed thereto, and any interest coupons applicable to the bonds of the authority shall be signed by the chairman of its board or other chief executive officer; provided, that a facsimile of the signature of one, but not both, of said officers may be printed or otherwise reproduced on any such bonds in lieu of his manually signing the same, a facsimile of the seal of the authority may be printed or otherwise reproduced on any such bonds in lieu of being manually affixed thereto, and a facsimile of the signature of the chairman of its board or other chief executive officer may be printed or otherwise reproduced on any such interest coupons in lieu of his manually signing the same.

**(b) General Provisions Respecting Form, Interest Rate, Maturities, Sale, Refunding and Negotiability of Bonds.** Any such bonds may be executed and delivered by the authority at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall contain such provisions not inconsistent with the provisions of this Act, and shall bear such rate or rates of interest, payable and evidenced in such manner, as may be provided by resolution of its board. Bonds of the authority may be sold at either public or private sale in such manner and at such price or prices and at such time or times as may be determined by the board to be most advantageous. The principal of and interest on any bonds issued or obligations assumed by the authority may thereafter at any time (whether before, at or after maturity of any such principal and whether at, after or not exceeding six months prior to the maturity of any such interest) and from time to time be refunded by the issuance of refunding bonds of the authority, which may be sold by the authority at public or private sale at such price or prices as may be determined by its board to be most advantageous, or which may be exchanged for the bonds or other obligations to be refunded. The authority may pay all expenses, premiums and commissions which its board may deem necessary and advantageous in connection with any financing done by it. All bonds issued by the authority shall be construed to be negotiable instruments although payable solely from a specified source.

**(c) Nature of Obligation and Source of Payment.** All obligations created or assumed and all bonds issued or assumed by the authority shall be solely and exclusively an obligation of the authority and shall not create an obligation or debt of any county or municipality; provided that the provisions of this sentence shall not be construed to release the original obligor from liability on any bond or other obligation assumed by the authority. Any bonds issued by the authority shall be limited or special obligations of the authority payable solely out of the revenues of the

authority specified in the proceedings authorizing those bonds. Any such proceedings may provide that the bonds therein authorized shall be payable solely out of the revenues derived from the operation of all dock or port and related facilities and other facilities owned by the authority or solely out of the revenues from the operation of any one or more of such facilities or parts thereof, regardless of the fact that those bonds may have been issued with respect to or for the benefit of one certain particular facility of the authority.

(d) **Pledge of Revenues and Other Security.** The authority may pledge for the payment of any of its bonds the revenues from which such bonds are payable, and may execute and deliver a trust indenture evidencing any such pledge or a mortgage and deed of trust conveying as security for such bonds the facilities, or any part of any thereof, the revenues or any part of the revenues from which are so pledged. Any mortgage and deed of trust or trust indenture made by the authority may contain such agreements as the board may deem advisable respecting the operation and maintenance of the property and the use of the revenues subject to such mortgage and deed of trust or affected by such trust indenture, and respecting the rights, duties and remedies of the parties to any such instrument and the parties for the benefit of whom such instrument is made; provided, that no such instrument shall be subject to foreclosure.

(e) **Eligibility for Investment.** The governing body of any county or municipality is authorized in its discretion to invest in bonds of the authority any idle or surplus money held in its treasury. Such bonds are hereby made legal investments for executors, administrators, trustees and other fiduciaries, unless otherwise directed by the court having jurisdiction of the fiduciary relation or by the document that is the source of the fiduciary's authority, and for savings banks and insurance companies organized under the laws of the state.

**Section 10. Contracts to Secure Bonds and Assume Obligations.** As security for payment of the principal of and the interest on bonds issued or obligations assumed by it, the authority may enter into a contract or contracts binding itself for the proper application of the proceeds of bonds and other funds, for the continued operation and maintenance of any industrial or commercial facility, or port, docks, wharf or related facilities owned by it, or any part or parts thereof, for the imposition and collection of reasonable fees, rents, tolls and other charges for, and the promulgation of reasonable regulations respecting the use of any such facilities, for the disposition and application of its gross revenues or any part thereof, and for any other act or series of acts not inconsistent with the provisions of this act for the protection of the bonds and other obligations being secured and the assurance that the revenues from such facilities will be sufficient to operate such system, maintain the same in good repair and in good operating condition, pay the principal of and the interest on any bonds payable from such revenues, and maintain such reserve as may be deemed appropriate for the protection of the bonds, the efficient operation of such facilities and the making of replacements thereof and capital improvements thereto. Any contract pursuant to the provisions of this section may be set forth in any resolution of the board authorizing the issuance of bonds or the assumption of obligations or in any mortgage and deed of trust, or trust indenture made by the authority hereunder.

**Section 11. Notice of Pledge of Revenues.** Any pledge of revenues from the operation of facilities of an authority shall be valid and binding

from the time it is made, and the revenues so pledged and thereafter received by the authority shall immediately become subject to the lien of such pledge without any physical delivery thereof or further act. The lien of such pledge shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the authority, irrespective of whether the parties have actual notice thereof, from the time a statement is filed in the office of the judge of probate of the county of incorporation. Such notice need state only the date on which the resolution authorizing the issuance of the bonds was adopted by the board, the principal amount of bonds issued, a brief description of the revenues so pledged and a brief description of any property the revenues from which are so pledged. The method provided in this section for the giving of notice of any such pledge of revenues shall be in addition to, and not in lieu of, any other methods now or hereafter provided under the laws of the state for the giving of notice of a pledge of, or the creation or perfection of a lien on or a security interest in, such revenues.

**Section 12. Proceeds from Sale of Bonds.** All moneys derived from the sale of any bonds issued by the authority shall be used solely for the purpose or purposes for which the same are authorized and any costs and expenses incidental thereto; provided, however, site preparation grants for industrial development shall not be included as a part of such costs and expenses. Such costs and expenses may include but shall not be limited to (1) the fiscal, engineering, legal and other expenses incurred in connection with the issuance of the bonds, (2) in the case of bonds issued to pay costs of acquiring or constructing all or any part of any facility, interest on such bonds (or, if a part only of any series of bonds is issued for acquisition or construction purposes, interest on that portion of the bonds of the series that is issued to pay such acquisition or construction costs) prior to and during such acquisition or construction and for not exceeding one year after completion of such acquisition or construction, and (3) in the case of bonds issued for the purpose of refunding principal and interest, or either, with respect to bonds issued or obligations assumed by the authority, any premium that it may be necessary to pay in order to redeem or retire the bonds or other obligations to be refunded.

**Section 13. Cooperation: Aid From Other Public Bodies.** For the purpose of aiding or cooperating with the authority in the planning, development, undertaking, construction, acquisition, extension, improvement, operation or protection of any of its facilities, any county, municipality or other political subdivision, public corporation, agency or instrumentality of this state may, upon such terms with or without consideration, as it may determine: (a) lend or donate money to, or perform services for the benefit of, the authority; (b) donate, sell convey, transfer, lease or grant to the authority, without the necessity of authorization at any election of qualified voters, any property of any kind, including but without limitation, any ports, docks, wharf, or other port facility, or any facility related thereto or any interest in any such facility and any franchise; (c) provide that all or a portion of the taxes or funds available or to become available to, or required by law to be used by, it for dock or port facilities or for the support of the development and use of inland waterways or the furthering of commerce on such waterways generally, be transferred or paid directly to the authority as such funds become available; (d) furnish, dedicate, close, pave, repair, install, grade, regrade, plan or replan boat launching ramps and other like facilities on the banks of inland waterways and streets, roads, roadways and walks from established streets or roads to any facility of the authority; and (e) do any and all

things, whether or not specifically authorized in this section, not otherwise prohibited by law, that may be necessary or convenient to aid and cooperate with the authority in the planning, undertaking, construction, acquisition, or operation of commercial or industrial development facilities and of inland ports, docks and related facilities.

**Section 14. Suits Against the Authority or Any Director.** No action or suit shall be brought or maintained against the authority or any director thereof, for or on account of the negligence of such authority or director, or its or his agents, servants or employees, in or about the construction, maintenance, operation, superintendence or management of any facility owned or controlled by the authority.

**Section 15. Exemption from Taxation.** The property and income of the authority, all bonds issued by the authority, the income from such bonds, conveyances by or to the authority, and leases, mortgages, and deeds of trust by or to the authority shall be exempt from all taxation in the State of Alabama. The authority shall be exempt from all taxes levied by any county, municipality, or other political subdivision of the state, including, but without limitation to, license and excise taxes imposed in respect of the privilege of engaging in any of the activities that an authority may engage in. The authority shall not be obligated to pay or allow any fees, taxes or costs to the judge of probate of any county in respect of its incorporation, the amendment of its certificate of incorporation, or the recording of any document. Nothing in this section shall be construed to exempt concessionaires, licensees, tenants, operators or lessees of the authority from the payment of any taxes, including but without limitation to license or privilege taxes levied by the state or any county or municipality.

**Section 16. Freedom of Authority from Public Service Commission and Other State Supervision and Control.** This Act is intended to aid the state in the execution of its duties by providing appropriate and independent instrumentalities of the state with full and adequate powers to fulfill their functions. Except as in this Act expressly otherwise provided, no proceeding, notice or approval shall be required for the incorporation of any authority or the amendment of its certificate of incorporation, the acquisition of any inland commercial or industrial facility or any dock or port facilities or any other facilities or other property used in connection with or related to commerce on the inland waterways traversing any municipality or county coming under the influence of this act or the issuance of any bonds, mortgages and deeds of trust, or trust indenture. The authority, all property of the authority, and the fees, tolls, rents and other charges for the use of such property or for any services therefrom, shall be exempt from all jurisdiction of, and all regulation and supervision by, the public service commission. Neither a public hearing nor the consent of the state department of finance shall be a prerequisite to the issuance of bonds by the authority.

**Section 17. Ports Director; Applicability of Civil Service or Merit System Laws.** The board shall have the power to employ a general administrative officer to supervise the operation of all port, dock or other facilities of the authority. Such general administrative officer, who shall have the title of Port Director shall serve at the pleasure of the board and he shall receive such compensation as the board may direct. The board may also employ an administrative assistant to the Port Director, who shall also serve at the pleasure of the board and receive such compensation as



the board may direct. All other employees of the authority (except any employee who is also a director) shall be subject to the provisions of any civil service or merit system law then applicable to employees of the authorizing county to the same extent as if such employees of the authority were employees of such authorizing county.

Section 18. Annual audits. Within thirty (30) days following the close of each fiscal year the authority shall cause an audit of its books and records to be made for such fiscal year by an independent certified public accountant. Within ninety (90) days following the close of each fiscal year the authority will furnish a copy of such audit to each appointing authority of a member of the board of directors.

Section 19. Dissolution of Authority and Vesting of Property. At any time when the authority has no bonds or other obligations outstanding, the board may adopt a resolution, which shall be duly entered upon its minutes, declaring that the authority shall be dissolved. Upon the filing for record of a certified copy of the said resolution in the office of the judge of probate of the county of incorporation, the authority shall thereupon stand dissolved and in the event it owned any property at the time of its dissolution, the title to all its properties shall thereupon pass to the authorizing county.

Section 20. Existence of an Authority Not to Prevent Incorporation of Another by the Same County and Municipality. The existence of an authority incorporated under the provisions of this act shall not prevent the subsequent incorporation hereunder of another authority pursuant to authority granted by the same county.

Section 21. Provisions are Cumulative. The provisions of this act are cumulative and shall not be deemed to repeal existing laws, except to the extent such laws are clearly inconsistent with provisions of this act.

Section 22. Severability. In the event any section, sentence, clause or portion of this act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining sections, sentences, clauses or portions of this act, which shall continue effective.

Section 23. Effective Date of Act. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

The Standing Committee on Local Legislation No. 2 reported the following amendment to the substitute for the Bill, S. B. 855, to-wit:

#### AMENDMENT TO SUBSTITUTE FOR S. B. 855

Amend S. B. 855, as substituted, on page 10, Section 6, line 25, by striking the words and figures beginning with "Directors for positions" and continue to strike through the word "county" on line 33 on page 10, and substitute in lieu thereof the following:

"Directors for positions one, two and three shall be appointed by the house delegation from Jefferson County; directors for positions four, five and six shall be appointed by the Senate delegation of Jefferson County and the director for position seven shall be selected by a majority vote of the holders of positions one through six."

Which was adopted.

And said substitute, as thus amended, for the Bill, S. B. 855, was then adopted by the Senate.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Flippo, Foshee, Gilmore, Givhan, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Pearson, Perloff, Roberts, St. John, Shelby, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

And said Bill, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Flippo, Foshee, Gilmore, Givhan, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Pearson, Perloff, Roberts, St. John, Shelby, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 168. To alter, rearrange and extend the boundary lines of the City of Scottsboro, Jackson County, Alabama, so as to include within the corporate limits thereof all territory which is already included within such corporate limits immediately prior to the time this Act becomes law and, in addition thereto, all the territory which is not then included within such corporate limits but which lies within the following described boundaries, all situated in Jackson County, Alabama.

was taken up.

Mr. Baker offered the following substitute for the Bill, H. B. 168, to-wit:

#### SUBSTITUTE FOR H. B. 168

#### A BILL TO BE ENTITLED AN ACT

To alter, rearrange and extend the boundary lines of the City of Scottsboro, Jackson County, Alabama, so as to include within the corporate limits thereof certain additional territory lying within the following described boundaries, situated in Jackson County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines of the City of Scottsboro, Jackson County, Alabama, are hereby altered, rearranged and extended so as to include within the corporate limits of said City of Scottsboro all territory now within such corporate limits and also certain other territory, which additional territory is situated in Jackson County, Alabama and is described as follows:

Begin at a point on the present City limits on the east boundary of the west half of Section 16, Township 4 South, Range 6 East, at its point of intersection with the southeast right-of-way of the Lee Highway and run thence with the southeast right-of-way of the Lee Highway in a generally northeasterly direction in said Section 16 and in Sections 15 and 10, Township 4 South, Range 6 East, and to the point of intersection of the southeast right-of-way of the Lee Highway with the center of Dry Creek in said Section 10; thence run with the center of Dry Creek in a generally northwesterly direction and to the northernmost point of intersection of the center of Dry Creek with the west boundary of Section 10; thence run northerly with the west boundary of said Section 10 and the east boundary of Section 9, Township 4 South, Range 6 East, and to the southeast corner of the northeast quarter of the northeast quarter of said Section 9; thence run westerly with the north boundary of the south half of the north half of said Section 9 and continue westerly with the north boundary of the south half of the north half of Sections 8 and 7, Township 4 South, Range 6 East, and to the point in said Section 7 where such boundary is intersected by the east or northeast right-of-way of Tupelo Road; thence run in a generally southeasterly direction with the east or northeast right-of-way of Tupelo Road in Sections 7, 8 and 17, Township 4 South, Range 6 East, and to the point on the present City limits where the east or northeast right-of-way of Tupelo Road intersects the south boundary of said Section 17; thence run with the present City limits as follows, to-wit: easterly with the south boundary of said Section 17 and the north boundary of Section 20, Township 4 South, Range 6 East and to the northwest right-of-way line of the Southern Railroad at or near the northeast corner of said Section 20, thence run northeast along the northwest right-of-way line of the Southern Railroad to the east boundary of the west half of the west half of Section 16, Township 4 South, Range 6 East, thence north to the southeast corner of the northwest quarter of the northwest quarter of said Section 16, thence west to the west boundary of said Section 16, thence north to the northwest corner of said Section 16, thence west to the southwest corner of the southeast quarter of the southeast quarter of Section 8, Township 4 South, Range 6 East, thence north to the northwest corner of said southeast quarter of the southeast quarter, thence east with the north boundary of the south half of the south half of Sections 8 and 9, Township 4 South, Range 6 East to the east boundary of the west half of said Section 9, thence run north to the center of said Section 9, thence run east to the northeast corner of the west half of the southeast quarter of said Section 9, thence south to the south boundary of said Section 9, thence west along the south boundary of said Section 9, 2279.6 feet to the west right-of-way line of McFoilton Lane, thence run South  $17^{\circ} 11'$  West 497.2 feet and to the southeast corner of Lot 10, Block 2A of the Patrick Investment Company Property according to a survey made by B. M. Ballard dated April, 1965, thence run South  $72^{\circ} 49'$  East 298.7 feet, thence South  $85^{\circ}$  East 568 feet and to the west right-of-way line of a County Road; thence run South  $0^{\circ} 22'$  West along the west right-of-way line of said County Road 940.2 feet, thence run North  $89^{\circ} 08'$  West 539.5 feet, thence run South  $73^{\circ} 0'$  West 265.5 feet, thence run South  $0^{\circ} 05'$  West 213.3 feet and to the north right-

of-way line of McFoilton Lane, thence run along the north right-of-way line of McFoilton Lane North 73° East 349.2 feet and South 89° 08' East 613 feet and to the east right-of-way line of a County road at or near the Southern Railroad right-of-way, thence run southeast along the east right-of-way of said County Road to the southeast right-of-way line of the Southern Railroad, thence run southwest along the southeast right-of-way line of the Southern Railroad to the south boundary of the north half of said Section 16, thence east to the middle of said Section 16, thence north along the west boundary of the east half of said Section 16, 575 feet, thence run east 675 feet, thence run north to the north right-of-way of a county road, which right-of-way is the south boundary of Estate No. 13 of the Rural Estates Subdivision as the same is shown by a map or plat thereof recorded in Town Plat Book "A" at page 198 in the office of the Probate Judge of Jackson County, Alabama, thence run east along the north right-of-way line of said County Road to a branch which is shown on said plat crossing said Estate No. 13, thence run in a northeasterly direction along said branch as the same meanders to the northeast boundary of said Estate No. 13, thence run southeast along the northeast boundary of said Estate No. 13 to the northwest right-of-way line of the Lee Highway, thence run northeast with the Lee Highway to the east boundary of the west half of the east half of said Section 16, thence run South to the point of beginning.

Section 2. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Givhan, Jones, King, Littleton, McDonald (S), Mims, Noonan, Owen, Perloff, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

And said Bill, H. B. 168, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Ellis, Fine, Flipppo, Gilmore, Givhan, Jones, King, Littleton, McDonald (S), Mims, Mitchell, Owen, Pearson, Perry, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

**The Bill:**

H. 167. To alter, rearrange and extend the boundary lines of the City of Scottsboro, Jackson County, Alabama, so as to include within the corporate limits thereof certain additional territory lying within the following described boundaries, situated in Jackson County, Alabama.

was taken up.

Mr. Baker offered the following substitute for the Bill, H. B. 167, to-wit:

**SUBSTITUTE FOR H. B. 167****A BILL  
TO BE ENTITLED  
AN ACT**

To alter, rearrange and extend the boundary lines of the City of Scottsboro, Jackson County, Alabama, so as to include within the corporate limits thereof certain additional territory lying within the following described boundaries, situated in Jackson County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines of the City of Scottsboro, Jackson County, Alabama, are hereby altered, rearranged and extended so as to include within the corporate limits of said City of Scottsboro all territory now within such corporate limits and also certain other territory, hereinafter described as Tract No. 1 and Tract No. 2, which additional territory is all located in Jackson County, Alabama, and is described as follows:

**TRACT NO. 1**

Begin at a point on the present corporate limits line of the City of Scottsboro, where the north line of the Southern Railway intersects the west boundary of the east half of Section 23, Township 4 South, Range 5 East, and run thence with the north line of the Southern Railway to the point where the north line of the Southern Railway intersects the west line of Section 16, Township 4 South, Range 5 East; thence run south along the west boundary lines of Sections 16, 21, 28 and 33, all in Township 4 South, Range 5 East, and continue south along the west boundary lines of Sections 4 and 9, Township 5 South, Range 5 East, and to the southwest corner of said Section 9; thence run east along the south boundary of said Section 9 and to a point on the present Scottsboro corporate limits line at the southeast corner of said Section 9; thence run north with the east boundary of said Section 9 and the present corporate limits line to the northeast corner of said Section 9; thence run east with the north line of Section 10, Township 5 South, Range 5 East, and along the present corporate limits line to the northeast corner of the northwest quarter of said Section 10; thence run south with the present corporate limits and to the southwest corner of the north half of the north half of the northeast quarter of said Section 10; thence run east with the present corporate limits and to a point on the east boundary of said Section 10 located at the southeast corner of the north half of the north half of the northeast quarter of said Section 10; thence run north with the present corporate limits and along the east boundary of said Section 10 and to the northeast corner of said Section 10; thence continue with the present corporate limits by

running east along the south boundary of Section 2, Township 5 South, Range 5 East, and to the southwest corner of the southeast quarter of the southeast quarter of said Section 2; thence continue with the present corporate limits by running north along the west boundary of the east half of the east half of said Section 2, and along the west boundary of the east half of the east half of Sections 35, 26 and 23, Township 4 South, Range 5 East and to the south right-of-way line of the Lee Highway in said Section 23; thence continue with the present corporate limits by running northwest along the south right-of-way of the Lee Highway and to the west boundary of the east half of said Section 23; thence run north with the present corporate limits along the west boundary of the east half of said Section 23 and to the north line of the Southern Railway, the point of beginning. THERE IS EXCEPTED from and excluded from the above described territory the following described excepted parcels, to-wit:

(a) All that portion of the west half of Section 16, Township 4 South, Range 5 East, which lies north of the north right-of-way line of U. S. Highway No. 72 (Lee Highway) and south of the north line of the Southern Railway;

(b) The west half of the southwest quarter, and the west half of the east half of the southwest quarter, all in Section 21, Township 4 South, Range 5 East;

(c) The north half of the southwest quarter of Section 28, Township 4 South, Range 5 East;

(d) The west half of the southwest quarter, and the west half of the southeast quarter of the southwest quarter, all in Section 4, Township 5 South, Range 5 East.

#### TRACT NO. 2

Begin at a point on the present Scottsboro corporate limits which is located at the point of intersection of the east boundary of the west half of the east half of Section 16, Township 4 South, Range 6 East, with the southeast right-of-way of the Lee Highway; thence continue with the present corporate limits line as follows: run south to the southwest corner of the southeast quarter of the southeast quarter of said Section 16, thence run east to the southeast corner of said Section 16, thence run south with the east section lines of Sections 21 and 28, Township 4 South, Range 6 East, and to the southeast corner of said Section 28, thence run east with the south section line of Section 27, Township 4 South, Range 6 East, and to the southwest corner of the southeast quarter of said Section 27, thence run north and to the northwest corner of the south half of the southeast quarter of said Section 27, thence run east with the north line of the south half of the southeast quarter and to the northeast corner of the west fifty acres of the south half of the southeast quarter of said Section 27, thence run south with the east line of the west fifty acres of the south half of the southeast quarter of said Section 27 and to the south boundary of said Section 27, thence run east with the south boundary of said Section 27 and to the southeast corner of said Section 27, thence run south with the east boundary of Section 34, Township 4 South, Range 6 East, and extend said line across the McNary Reservation to the northwest shore line of Guntersville Reservoir of the Tennessee River; thence leaving the present corporate limits, run with the meanderings of said shore line in a generally northeasterly direction and to the point where said shore line intersects the east boundary of Section 26, Township 4 South, Range 6 East; thence run

north along the east boundaries of Sections 26 and 23, Township 4 South, Range 6 East, and to the northeast corner of said Section 23; thence run west along the north boundaries of Sections 23 and 22, Township 4 South, Range 6 East, and to the point of intersection of the north boundary of said Section 22 with the center of Dry Creek; thence run with the center of Dry Creek in a generally northwesterly direction across Section 15, Township 4 South, Range 6 East, and to the point of intersection of the center of Dry Creek with the southeast right-of-way of the Lee Highway, which point is located near the south boundary of Section 10, Township 4 South, Range 6 East; thence run in a generally southwesterly direction along the southeast right-of-way of the Lee Highway and to the point of beginning. THERE IS EXCEPTED from and excluded from the above described territory the following described excepted parcels, to-wit:

(a) All that portion of the east half of Section 15, Township 4 South, Range 6 East, which lies west of the center of Dry Creek;

(b) The northeast quarter, the northeast quarter of the southeast quarter, and the north half of the northwest quarter of the southeast quarter, all in Section 22, Township 4 South, Range 6 East;

(c) The northwest quarter, and the north half of the southwest quarter, all in Section 23, Township 4 South, Range 6 East.

Section 2. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Flippo, Glmore, Givhan, King, Little, Littleton, McDonald (A), McMillan, Mims, Noonan, Owen, Perloff, Perry, Powell, Roberts, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

And said Bill, H. B. 167, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Foshee, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Pearson, Perry, Powell, Roberts, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1054. Relating to Lauderdale County; authorizing the county commission to establish budgetary limits for the cost of operating all departments of county government and to fix and enforce policies, rules and regulations respecting holidays, vacations and sick leave for all county employees.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Flippo, Gilmore, Jones, Little, Littleton, McDonald (S), Mims, Mitchell, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

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*Nays:*

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The Bill:

H. 1302. To authorize the County Commission of Randolph County to provide for the relief of the Farm Bureau Insurance Company for the payment of a claim arising from a wreck between a Randolph County truck and a car driven by James East.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Ellis, Fine, Flippo, Foshee, Givhan, Jones, Little, McDonald (A), McDonald (S), Mims, Noonan, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 837. Relating to all counties having populations of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census; to provide for an additional secretarial assistant for the office of the district attorney of the judicial circuit in which such county lies.

was taken up.

Mr. Littleton offered the following substitute for the Bill, H. B. 837, to-wit;

#### SUBSTITUTE FOR H. B. 837

#### A BILL TO BE ENTITLED AN ACT

Relating to all counties having populations of not less than 65,000 nor



more than 68,000 inhabitants according to the most recent federal decennial census; to provide for an additional secretarial assistant for the office of the district attorney and for the offices of circuit judge of the judicial circuit in which such county lies.

Be It Enacted by the Legislature of Alabama:

Section 1. The district attorney and each circuit judge of the judicial circuit in all counties having populations of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census, is hereby authorized and empowered to appoint and prescribe the duties of an additional secretarial assistant, who shall serve at the pleasure of said district attorney or circuit judge.

Section 2. The compensation of such secretarial assistant shall be fixed by said district attorney or circuit judge at a sum not exceeding \$500.000 per month.

Section 3. Should federal funding be available upon enactment of this act, or become available, such federal funding shall be used to pay the compensation of the additional secretarial assistant. In the event that federal funding is not available upon enactment of this act; or if such federal funding is used and is thereafter exhausted or otherwise unavailable, then the governing body of such county shall provide the funding for the compensation of such secretarial assistant.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Littleton, McDonald (S), McMillan, Mitchell, Owen, Pearson, Perloff, Powell, Roberts, St. John, Stewart, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

And said Bill, H. B. 837, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Flipppo, Foshee, Gilmore, Givhan, Jones, Little, Littleton, McDonald (S), McMillan, Mims, Noonan, Owen, Perloff, Perry, Powell, St. John, Stewart, Vacca, Waldrop, Wilson.

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*Nays:*

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## MOTION TO RECONSIDER

On motion of Mr. Flipppo, the Senate reconsidered the vote by which the Bill, H. B. 1054, was passed.

## BILLS ON THIRD READING RESUMED

## The Bill:

H. 1049. To amend Act No. 30, H. 69, Acts of Alabama, Regular Session 1953, approved May 28, 1953, relating to the construction, maintenance, and repair of the county roads and bridges of Lauderdale County and providing that such roads and bridges shall be constructed, maintained, and repaired by the State Highway Department, by amending Sections 1, 2, and 5 thereof; providing that the county governing body shall have and exercise the power to set up projects within the county and to further determine the location of new roads and bridges within the county which may be established as an addition to or change in the existing county road system; providing that the State Highway Department shall cause its Lauderdale County Engineer, or Assistant Engineer, to personally meet with county governing body of Lauderdale County on a quarterly basis and make an up-to-date status report on the progress of the work of the State Highway Department relating to the construction, maintenance, and repair of the county roads and bridges of Lauderdale County; and further providing that the State Highway Department shall prepare and file with the governing body of Lauderdale County on a quarterly basis each year a quarterly financial report relating to the construction, maintenance, and repair of the county roads and bridges of Lauderdale County by the State Highway Department under the provisions of this Act.

Was read a third time at length and passed.

Yeas 25; Nays 0.

## Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Flipppo, Gilmore, Givhan, Jones, King, Little, Littleton, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—25

## Nays:

—0

## The Bill:

H. 1483. Providing that the counties comprising the Third Judicial Circuit shall increase the compensation of the circuit court reporter so that his total salary shall equal \$12,000 per annum.

Was read a third time at length and passed.

Yeas 25; Nays 0.

## Yeas:

Messrs. Adams, Bank, Ellis, Fine, Flipppo, Givhan, Jones, King, Little, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 861. To establish the Employees' Retirement System of the City of Montgomery; to prescribe procedure for the administration of said system and to provide for retroactive effect to May 1, 1969.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, S. B. 861, to-wit:

COMMITTEE AMENDMENT TO S. B. 861

Amend S. B. 861, page 27, Section 14 (1), line 22, by striking it in its entirety and inserting in lieu thereof the following:

“(1) The Board shall have the continuing right and power to amend or supplement this ordinance at any time, which right and power is hereby expressly reserved, but no amendment shall be adopted which will reduce the then accrued benefits of employees or beneficiaries below the extent they are then covered by accumulated reserves, which reserves shall constitute a trust fund for the payment of such benefits, except that any amendment or supplement which would result in additional contributions by the City shall be approved by the Board and the Commission.”

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Flipppo, Foshee, Gilmore, Givhan, Jones, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Perry, Powell, Shelby, Stewart, Vacca, Waldrop, Wilson.

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*Nays:*

—0

And said Bill, S. B. 861, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Givhan, Jones, Little, Littleton, McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Perry, Powell, Shelby, Stewart, Vacca, Waldrop, Wilson.

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*Nays:*

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CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Torbert, further consideration of the Bill, S. B. 623, was indefinitely postponed by the Senate.

## BILLS ON THIRD READING RESUMED

## The Bill:

S. 875. Relating to DeKalb County, amending Act No. 376, S. 577, Regular Session 1971 (Acts 1971, p. 669), which act provides an expense allowance for the board of equalization, so as to increase said allowance for the members of said board.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

## Yeas:

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Wilson.

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## Nays:

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## The Bill:

S. 876. To create the scholarship and loan commission of DeKalb County for the purpose of providing loans and scholarships to residents of DeKalb County who plan a career in medicine, and to establish a fund for the fulfillment of the purpose of this act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

## Yeas:

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Stewart, Torbert, Vacca, Waldrop, Wilson.

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## Nays:

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## The Bill:

S. 877. To amend Act No. 218, H. 708, 1973 Regular Session, which authorizes the governing body of DeKalb County to designate and set up certain projects relating to construction of roads and bridges in DeKalb County, amending Sections 1 and 2 so as to redefine certain terms and to delete the provision restricting certain expenditures for betterment projects and to provide that under certain conditions the state highway director may veto a project approved by the county commission.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Jones, King, Little, Littleton, McDonald (A), McDonald (S), Owen, Pearson, Perloff, Perry, Powell, Roberts, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

S. 878. Relating to DeKalb County; providing for the salary of the chairman of the county governing body.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

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*Nays:*

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The Bill:

S. 879. Regulating nighttime hunting in DeKalb County; authorizing the taking, catching or killing of raccoons and o'possums under certain conditions and by certain means.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Shelby, Stewart, Torbert, Wilson.

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*Nays:*

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The Bill:

S. 880. Relating to DeKalb County; to provide that the next election of members of the county commission or other like governing body shall be the general election of 1978; to provide that those members of said commission or other like governing body who were elected in the general election of 1974 shall continue to serve until their successors are elected and qualified and to repeal all conflicting statutes.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Powell, Roberts, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

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*Nays:*

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The Bill:

S. 881. To provide that no position or vacancy on any board or agency in DeKalb County shall be filled by appointment by the DeKalb County Commission after June 1 of any year in which members of the DeKalb County Commission are nominated and elected, except that such position or vacancy may be filled on a temporary basis with said appointment to expire on January 1 of the following year.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Littleton, McDonald (S), Mitchell, Noonan, Pearson, Perloff, Perry, Roberts, St. John, Torbert, Vacca, Waldrop, Wilson.

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*Nays:*

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The Bill:

S. 952. To repeal Act No. 796, H. 1033, Regular Session 1971 (Acts 1971, p. 1530) and to repeal act No. 144, H. 130, First Special Session 1971 (Acts 1971, p. 228), both Acts entitled, "An Act Relating to municipalities having a population of not less than 70,000 nor more than 300,000 according to the 1970 or any subsequent federal decennial census; providing for the election by popular vote of members of the city board of education, to prescribe their terms, qualifications and compensation, and to abolish existing boards of education in such cities."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, King, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

S. 953. Relating to the City of Huntsville; to provide for the election by popular vote of the City Board of Education and for a time or date when such members of the board of education shall take office.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, King, McDonald (A), McMillan, Mims, Noonan, Owen, Perloff, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

S. 1136. To apply to every county of the State having a population of more than 500,000 according to the last or any subsequent federal census; to define for and in such county an associate registrar as a member of the board of registrars of the county other than the chairman of said board; to provide that the term of an associate registrar shall expire on a date four years subsequent to the date of his appointment; to provide that if when an associate registrar's term expires there are then a full time chairman of the board of registrars subject to a civil service system and full time employees of said board subject to said civil service system, the appointing board, provided for by Section 21, Title 17, Code of Alabama of 1940, shall not appoint a successor to such associate registrar until the appointing board has received a resolution of the governing body of the county requesting that the appointing board appoint a successor to the associate registrar whose term has expired; to provide that the governing body shall not adopt any such resolution unless such governing body has found, and recites in said resolution, that it is essential to the efficient functioning of the board of registrars that the appointing board appoint a successor to the associate registrar whose term has expired; to provide that as soon as practical after the appointing board receives such resolution the appointing board shall appoint a successor to the associate registrar whose term has expired; to provide that upon an associate registrar's term expiring thereafter until his successor is appointed the chairman, or the chairman and the remaining associate registrar, as the case may be, shall perform the functions and duties of the board of registrars; to provide that when the chairman performs the functions and duties which a former associate registrar would have performed if his term had not expired, the State of Alabama shall pay to the general fund of the county an amount equal to the compensation which the State would have paid such former associate registrar if he as an associate registrar had performed the duties the chairman performed in his stead.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Flippo, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (A), McMillan, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Wilson.

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*Nays:*

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The Bill:

S. 1154. Proposing an amendment to the Constitution of Alabama relating to levying additional ad valorem taxes by the City of Vestavia Hills, Jefferson County, Alabama.

Was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Flippo, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Pearson, Perry, Powell, Roberts, Shelby, Stewart, Vacca, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

S. 1155. Proposing an amendment to the Constitution of Alabama relating to levying additional ad valorem taxes by the City of Vestavia Hills, Jefferson County, Alabama.

Was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Clemon, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (S), McMillan, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

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*Nays:*

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The Bill:

S. 1157. To provide that no board of adjustment authorized by Section 781, Title 37, Code of Alabama, as amended, and provided for by any municipality which is located within any county, which county now has or may hereafter have a population in excess of 500,000 according to the last or any succeeding decennial federal census, shall grant a variance under the zoning ordinance of such municipality to allow a structure or use in a district restricted against such structure or use except as specifically provided for by the zoning ordinance of such municipality.



Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, King, Littleton, McMillan, Mims, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

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*Nays:*

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The Bill:

H. 681. Relating to Jefferson County; prohibiting service and execution of subpoenas and warrants issued for nonmoving traffic violations during certain hours, and repealing conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, Torbert, Vacca, Waldrop, Wilson.

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*Nays:*

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The Bill:

H. 802. To further amend Act No. 556 of the Regular Session of the Legislature of Alabama of 1959 (Ala. Acts, 1959, p. 1376), as heretofore amended, which Act established a Pension and Relief or Retirement and Relief System for firemen and policemen who are members of any Pension and Relief System heretofore or hereafter established under Act No. 929 of the Regular Session of the Legislature of 1951 (Ala. Acts 1951, p. 1579), as amended, which 1951 Act established a Pension System for officers and employees of each city of the State having a population of 250,000 or more, according to the last federal census.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Bank, Clemon, Ellis, Fine, Flippo, Foshee, Gilmore, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Wilson.

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*Nays:*

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**The Bill:**

H. 853. To provide further for the compensation of the chief deputy sheriff in counties having populations of 600,000 or more according to the most recent federal decennial census; and to provide for retroactive effect.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Gilmore, Givhan, Jones, King, Little, Littleton, McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

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*Nays:*

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**The Bill:**

H. 986. To amend Section 138, Title 62, Code of Alabama of 1940 (originally enacted as Local Act No. 462 of the 1939 Regular Session of the Legislature of Alabama, approved September 15, 1939, and subsequently reprinted as Section 138, Title 62, of the 1958 Recompiled Code of Alabama), as heretofore amended by Act No. 193 of the 1965 Regular Session of the Legislature of Alabama, approved July 30, 1965, to increase the Law Library Tax in each civil or quasi civil action at law, suit in equity, criminal case, quasi criminal case, proceeding on a forfeited bail bond, or proceeding on a forfeited bail bond given in connection with an appeal from a judgment of conviction in any inferior court or municipal court to the Circuit Court hereafter filed in, arising in, or brought by appeal, certiorari, or otherwise to the Circuit Court of Jefferson County, Alabama, except in the Bessemer Division thereof, from one dollar (\$1.00) to two dollars (\$2.00); to provide that the Law Library Tax in each criminal case hereafter filed in any statutory inferior court in Jefferson County, Alabama, except in the Bessemer Division thereof, shall be fifty cents (\$.50); and to increase the Law Library Tax in each civil case hereafter filed in any statutory inferior court in Jefferson County, Alabama, except in the Bessemer Division thereof, where the amount claimed in the complaint exceeds one hundred dollars (\$100.00) from twenty five cents (\$.25) to fifty cents (\$.50), and where the amount claimed is one hundred dollars (\$100.00) and less, from ten cents (\$.10) to twenty cents (\$.20), said increases to be effective on the first day of the second calendar month next following its passage by the Legislature of Alabama and its approval by the Governor of Alabama, or its otherwise becoming a law.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Flippo, Foshee, Gilmore, Jones, King, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Powell, Roberts, Shelby, Vacca, Waldrop, Wilson.

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*Nays:*

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**The Bill:**

H. 1044. To further amend Act No. 502 of the Legislature of Alabama of 1923, approved September 29, 1923 (General Acts of Alabama of 1923, page 663, et seq.), which established a policeman's pension system for cities having a population of 100,000 or more, as re-enacted by Act No. 283 of the Legislature of Alabama of 1943, approved June 28, 1943, (General Acts of Alabama of 1943, page 241, et seq.), as heretofore amended.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following amendment to the Bill, H. B. 1044, to-wit:

**AMENDMENT TO H. B. 1044**

Amend H. B. 1044 as follows:

Strike the period at the end of the title and insert in lieu thereof a semicolon and the following words, viz:

; to make the provisions of this act retroactive.

Strike the present section 2 and insert in lieu thereof the following, viz:

Section 2. The provisions of this amendatory act shall be retroactive to March 1, 1974.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Bank, Clemon, Ellis, Fine, Flipppo, Gilmore, Jones, King, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Pearson, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

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*Nays:*

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The Standing Committee on Local Legislation No. 2 then reported the following amendment to the Bill, H. B. 1044, as amended, to-wit:

**AMENDMENT TO H. B. 1044**

Amend H. B. 1044 by inserting a new subsection (e) immediately preceding section 2 on page 4, viz:

(e) Whenever the word "widow" is used in this section or otherwise in this act, it shall mean and apply only to the widow of a deceased member of such police department or a deceased member of said pension fund system to whom such member was married for at least three years prior to his death.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Vacca, Wilson.

—25

*Nays:*

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And said Bill, H. B. 1044, as thus amended, was then read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Shelby, Vacca, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

H. 1136. To amend Chapter 9 of Title 51 of the Code of Alabama of 1940, as heretofore amended.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following substitute for the Bill, H. B. 1136, to-wit:

#### COMMITTEE SUBSTITUTE FOR H. B. 1136

#### A BILL TO BE ENTITLED AN ACT

To further amend Sections 89, 94, and 95 of Title 51 of the Code of Alabama of 1940, as amended, changing population spans, methods of compensation and appointment of officers.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 89, 94, and 95 of Title 51 of the Code of Alabama of 1940, as amended, are hereby further amended to read as follows:

“Section 89. How Members Selected. (a) Application of this subsection (a). This subsection (a) shall apply to every county in the state except a county subject to the provisions of subsection (b), next following this subsection (a).

“During the month of August, 1943, and during the month of August of each fourth year thereafter, the court of county commissioners, or other governing body of each county, the county board of education, and the governing body of the largest municipality in each county, shall each submit in writing, to the state commissioner of revenue, the names of three persons, and the governing body of each other incorporated municipality

within the county shall, in like manner, submit the name of one person, all of whom are residents of the county, and who are each owners of taxable property which is located within this state, and who are each qualified electors in said county, and who are, in the opinion of said nominating body, persons competent to serve as members of the county board of equalization. In those counties where there is no incorporated municipality, the court of county commissioners or other governing body of said county shall nominate six persons as competent persons for appointment to membership on such board of equalization. From each group of three nominees, submitted by the county governing bodies and the county board of education and from the total group of nominees submitted by the governing bodies of the municipalities, the commissioner of revenue, within thirty days after receipt of such lists of nominees, with the approval of the governor shall appoint one person to membership on the county board of equalization so that the membership of said board shall be composed of three members, one of whom was nominated by the governing body of the county, one by the county board of education, and one by the governing body of the incorporated municipalities in the county, except however, that in those counties having no incorporated municipality, two of the three members of said board shall be selected from the six nominees of the county governing body, provided, however, that the commissioner of revenue may reject any group of nominees, in which event the body nominating them shall submit additional names, one of whom shall be appointed by the commissioner of revenue, with the approval of the governor. The members of the several county boards of equalization appointed from the nominees as in this section provided, shall hold office for four years beginning October 1st, 1943, and every fourth year thereafter. In all counties having a population of four hundred thousand or more persons according to the 1940 federal census, or any subsequent census, where there is now, or hereafter may be a county wide civil service system, all nominees must take an examination and qualify by a civil service examination to be conducted by said civil service system, except any member of any board of equalization now duly appointed as a member of said board of equalization shall be deemed qualified for appointment. In the event the names submitted by either the court of county commissioners, or other governing body of the county, the county board of education, and the governing body of the largest municipality in said county having a county wide civil service system, has already been submitted by either of the nominating parties, the commissioner of revenue shall so notify said nominating authorities, and said nominating authorities shall forthwith submit the names of another person or persons qualified under said civil service examination, not theretofore nominated by the other nominating authorities.

“(b) This subsection (b) shall apply to any county of this state which has a population of 600,000 or more according to the last or any subsequent federal census. As used in this subsection (b), the following terms have the meaning hereby accorded them: ‘subsection (b)’ means this subsection (b) of Section 89; ‘effective date of subsection (b)’ or ‘effective date hereof’ means the date whereon subsection (b) becomes effective, which shall be the first day of the calendar month next succeeding the calendar month in which subsection (b) is enacted; ‘the county’ means any county subject to subsection (b); ‘the board’ means the board of equalization of the county; ‘the merit system law’ means the law establishing a merit system or civil service system for employees and appointive officers of the county; ‘chairman’ means chairman of the board; ‘chairmanship’ means the office the chairman holds; the ‘associate

members' of the board means the two members of the board other than the chairman; and 'associate membership' means the office or position an associate member holds.

"On the effective date of this subsection the office of chairmanship of the board is created. The chairman shall be the executive officer of the board and shall supervise the assignment of duties to members and employees. The provisions of the merit system law, including the provisions thereof governing appointment and compensation of persons subject to said merit system law, shall apply to the chairmanship and to the chairman.

"The governing body of the county shall appoint the chairman, subject to the merit system law. Any persons who is serving as chairman on the effective date of (b) and who has so served for at least twenty-four consecutive months immediately prior to such date shall be deemed to have been appointed under the provisions of (b) and to have acquired permanent civil service status as chairman. Any person serving as chairman on the effective date hereof and who has served as chairman for more than twelve (12) months and for less than twenty-four (24) months immediately preceding the effective date hereof shall be deemed to have been appointed under the provisions of subsection (b) and to be serving his probationary period under the merit system law. Any person serving as chairman on the effective date hereof who has served for less than twelve (12) consecutive months immediately prior to said date shall be deemed to be a temporary appointee under the merit system law and shall be required to take and pass an appropriate examination or be replaced by another applicant who has taken and passed such examination.

"After subsection (b) becomes effective the associate members of the board shall serve the remainder of the term for which they were appointed under subsection (a) of this Section 89 to serve. Upon the expiration of such term of office, mentioned in the next foregoing sentence, the associate members of the board shall be appointed in the manner hereinafter provided for in this subsection (b).

"The county board of education and the governing body of the largest municipality in the county shall each submit in writing to the state commissioner of revenue the names of three persons, and the governing body of each other municipality within the county shall, in like manner, submit the name of one person, all of whom are residents of the county and who are each owners of taxable property which is located within this state, and who are qualified electors in said county, and who are, in the opinion of the said nominating board, persons competent to serve as members of the board.

"Within thirty (30) days after the receipt of such list of nominees, the state commissioner of revenue, with the approval of the governor, shall nominate an associate member of the board from the nominees of the county board of education and one associate member of the board from the nominees of the governing bodies of the municipalities of the county; provided, however, that the commissioner of revenue may reject any group of nominees, in which event the body nominating them shall submit additional names one of whom shall be appointed by the commissioner of revenue with the approval of the governor. The associate members of the board appointed from the nominees as provided for in this (b) shall hold office for the four year terms provided for in subsection (a) of this Section 89.

"In all counties having a population of 400,000 or more persons according to the 1940 federal census, or any subsequent federal census, where there is now, or hereafter may be a county wide civil service system all nominees for the associate members must take an examination and qualify by civil service examination to be conducted by said civil service system, except any person serving as an associate member on any board of equalization on the effective date of subsection (b), shall be deemed qualified for appointment. In the event the names submitted by either the county board of education, and the governing body of the largest municipality in said county having a county wide civil service system, has already been submitted by either of the nominating parties, the commissioner of revenue shall so notify said nominating authorities, and said nominating authorities shall forthwith submit the names of another person or persons qualified under said civil service examination, not theretofore nominated by the other nominating authorities.

"Section 94. Term of service and compensation of members of the board.—The annual term of service and compensation of members of the several county boards of equalization shall be on a basis of total assessed value of all taxable property, using the year 1955 as the basis, to be determined as follows:

"(1) In those counties in which the total assessed value of all taxable property exceeds six hundred million dollars (\$600,000,000) according to the tax assessor's abstract of assessments for said year, except in a county subject to subdivision (2) next following, the members of the county boards of equalization shall serve on a full-time basis and each associate member shall be paid at the rate of nineteen thousand four hundred twenty-five dollars (\$19,425) per annum and the chairman shall be paid at the rate of twenty-one thousand ninety dollars (\$21,090) per annum, payable in monthly installments.

"(2) This subdivision (2) of Section 94 shall apply to any county of this state which has a population of 600,000 or more according to the last or any subsequent federal census, and in which the total assessed value of all taxable property exceeds six hundred million dollars (\$600,000,000) according to the tax assessor's abstract of assessments for said year. As used in this subdivision (2), the following terms have the meanings hereby accorded them: 'subdivision (2)' means this subdivision (2) of Section 94; 'effective date of subdivision (2)' means the date whereon this subdivision (2) becomes effective, which shall be the first day of the calendar month next succeeding the calendar month in which subdivision (2) is enacted; 'the county' means any county subject to subdivision (2); 'the merit system' means the merit system law, or civil service law, applying to such county; 'chairman' means chairman of the board; 'chairmanship' means the office or position the chairman holds; 'county pension system' means any county pension system to which the chairman has been admitted. 'Member' means a member of the county pension system; and 'employer's matching payment' means the monthly payment a member's employer makes to the county pension system to match the monthly payment that such member makes to the pension system.

"In any county subject to this subdivision (2), the members of the county board of equalization shall serve on a full time basis. Each associate member shall be paid at the rate of nineteen thousand four hundred twenty five dollars (\$19,425) per annum and the chairman's total compensation shall be determined as provided for by the merit system law applying to the county, and the chairman shall be subject to and entitled to the

benefits of the law establishing such merit system. The chairman's total compensation shall be payable from the general funds of the county and the chairman shall promptly pay to the county any compensation he or she receives from the State of Alabama, and from the largest municipality of the county, for serving as chairman. In addition to the salary provided for the chairman under the merit system law, the county shall make for and on the chairman's account an employers matching payment to the county pension system fund, if the chairman is, or becomes, a member of the county pension system.

(3) In those counties in which the total assessed value of all taxable property exceeds four hundred million dollars (\$400,000,000), and does not exceed six hundred million dollars (\$600,000,000) according to the tax assessor's abstract of assessments for said year, the members of the county board of equalization shall serve on a full-time basis and each associate member shall be paid at the rate of eighty-seven hundred dollars (\$8,700) per annum, and the chairman shall be paid at the rate of ninety-two hundred dollars (\$9,200) per annum, payable in monthly installments.

(4) In those counties in which the total assessed value of all taxable property is not less than eighty million dollars (\$80,000,000) and does not exceed four hundred million dollars (\$400,000,000) according to the tax assessor's abstract of assessments for said year, the members of the county board of equalization shall serve for not less than six (6) months, the exact working period to be fixed or approved by the department of revenue, and each member shall be paid at the rate of two hundred fifty dollars (\$250) per month; and said board shall be allowed annual traveling expenses to be approved by the department of revenue not to exceed the sum of two hundred fifty dollars (\$250) for any tax year.

(5) In those counties in which the total assessed value of all taxable property is not less than thirty million dollars (\$30,000,000) and does not exceed eighty million dollars (\$80,000,000) according to the tax assessor's abstract of assessments for said year, the members of the county board of equalization shall serve for not more than one hundred fifty (150) working days, the exact working period to be fixed or approved by the department of revenue, and each member shall be paid at the rate of ten dollars (\$10) per diem; and said board shall be allowed annual traveling expenses to be approved by the department of revenue not to exceed the sum of two hundred fifty dollars (\$250).

(6) In those counties in which the total assessed value of all taxable property is not less than twenty-five million dollars (\$25,000,000) and does not exceed thirty million dollars (\$30,000,000), according to the tax assessor's abstract of assessments for said year, the members of the county board of equalization shall serve for not more than eighty (80) working days, the exact working period to be fixed or approved by the department of revenue, and shall be paid at the rate of ten dollars (\$10) each per diem, payable in monthly installments; and said board shall be allowed annual traveling expenses to be approved by the department of revenue, not to exceed the sum of two hundred dollars (\$200).

(7) In those counties in which the total assessed value of all taxable property does not exceed twenty-five million dollars (\$25,000,000) according to the tax assessor's abstract of assessments for said year, the members of the county board of equalization shall serve for not more than eighty (80) working days, the exact working period to be fixed or approved by the department of revenue, and each member shall be paid at the rate of



ten dollars (\$10) per diem, payable in monthly installments; and said board shall be allowed annual traveling expenses, to be approved by the department of revenue, not to exceed the sum of one hundred dollars (\$100).

"Section 95. How compensation paid. "(a) in every county except a county subject to subsection (b), next following, the compensation of the members of any board of equalization and adjustments, as provided in the preceding section, shall be paid twenty two and one-half percent by the state, thirty eight and three-fourths percent by the county, and thirty eight and three-fourths percent by the largest municipality in the county.

(b) This subsection (b) shall apply to any county of the state having a population of 600,000 or more, according to the last or any subsequent federal census.

"In each county subject to this subsection (b), the compensation of the members of any board of equalization and adjustments, as provided in the preceding section, shall be paid twenty two and one-half percent by the state, thirty eight and three-fourths percent by the county, and thirty eight and three-fourths percent by the largest municipality in the county.

"(c) The compensation of the members of the several county boards of equalization as provided for in the preceding section, shall be paid one-third by the state, one-third by the county, and one-third by any municipality in the county in which the total assessed value of all taxable property is equal to or greater than fifty percent of the total assessed value of all taxable property located in the county. In those counties where there is no city in which the total assessed value of the taxable property is equal to or greater than fifty percent of the total taxable property of the county, then the compensation of the members of the county board of equalization, as provided in the preceding section, shall be paid one-half by the state and one-half by the county.

"(d) The county board of equalization of any county is hereby authorized and empowered to employ such appraisers, engineers, stenographers, clerks or assistants as may be necessary for the performance of the duties which may be required of said boards of equalization, subject however to all the provisions of any merit system law now or hereafter in effect in said county and provided further that the number of persons to be employed by the board of equalization shall be subject to the approval of the county commission or like governing body, and the state commissioner of revenue and provided further that if the compensation of said employee is governed by the provisions of any merit system law in effect, that the provisions of said law shall govern, otherwise the compensation of said employee shall be fixed by the county commission or like governing body, subject to the approval of the commissioner of revenue; all such compensation to be paid in the same manner as the law providing for the payment of compensation to the members of the county board of equalization of said county. The county board of equalization in any county is further authorized and empowered to provide for an inventory of all property in said county, which inventory shall be under the supervision and control of said board. The state, county and governing body of all municipalities in said county, and all boards of education or boards of school commissioners are hereby authorized to contribute so much of the cost of said inventory as may be approved by the various governing bodies in said county, and board of education or boards of school commissioners and in the event the state elects to contribute to the cost of

said inventory the amount to be contributed shall be approved by the state commissioner of revenue and the governor. In all counties having a population of one hundred forty thousand or more according to the last or any subsequent federal census, it shall be the duty of the courts of county commissioners, or other like governing bodies of such counties in this state, to furnish and supply the county boards of equalization with adequate office space, necessary furniture and equipment, all necessary books, maps, stationery, and printed blanks; and transportation or reasonable compensation for transportation expense actually incurred in performance of official duties."

Section 2. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws, whether general, local or special, which conflict with this Act are repealed to the extent of any such conflict.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Flippo, Gilmore, Givhan, Jones, King, Little, Littleton, McMillan, Owen, Pearson, Perloff, Perry, Powell, Roberts, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

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*Nays:*

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And said Bill, H. B. 1136, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McMillan, Mims, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Vacca, Wilson.

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*Nays:*

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The Bill:

H. 1175. Relating to Jefferson County; to provide for the election, duties and compensation of certain officials of the Bessemer Division of said county and to repeal all conflicting statutes.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following substitute for the Bill, H. B. 1175, to-wit:

## COMMITTEE SUBSTITUTE FOR H. B. 1175

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Jefferson County; to regulate further the branch office system of the county to provide for the election, duties, term, compensation, and removal of certain deputy or assistant county officials to serve in the branch offices in the City of Bessemer.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) Those deputy or assistant county officials serving in the branch offices in the City of Bessemer in Jefferson County, maintained as required by Code of Alabama 1940, Title 12, Sections 160 through 168, hereafter listed shall, in lieu of being appointed by the principal county officers, be elected as follows by the qualified voters of the territory over which the circuit court of the tenth judicial circuit sitting at Bessemer, has and exercises jurisdiction; and each of such officials shall at the time of his election and during his term of office reside within the territory from which he is elected:

(1) Assistant Tax Collector shall be elected at the next general election for Tax Collector of said county and every four years thereafter.

(2) Assistant Tax Assessor shall be elected at the next general election for Tax Assessor of said county and every four years thereafter.

(3) Assistant Sheriff shall be elected at the next general election for Sheriff of said county and every four years thereafter.

(4) Deputy Treasurer shall be elected at the next general election for Treasurer of said county and every four years thereafter.

(5) Assistant Probate Judge shall be elected at the next general election for Judge of Probate of said county and every six years thereafter.

(b) The duties and compensation of such officials shall be the same as heretofore provided by law.

(c) Each principal county officer may summarily remove his deputy or assistant, elected as prescribed above, only if he has good and valid reasons for believing that such deputy or assistant is guilty of one of the offenses for which the principal may be impeached; and if he does remove such deputy or assistant the principal officer shall immediately notify the judge of probate of the county of the vacancy and the judge of probate shall call a special election to be held not less than 30 nor more than 45 days thereafter, to fill such vacancy.

Section 2. The act is cumulative, and shall be construed in pari materia with other laws regulating county offices and officers of Jefferson County, and particularly those provisions of law requiring, providing for or in any way relating to the branch office system of the county; nevertheless all laws, or parts of laws which directly conflict herewith are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

The Standing Committee on Local Legislation No. 2 then reported the following amendment to the substitute for the Bill, H. B. 1175, to-wit:

COMMITTEE AMENDMENT TO SUBSTITUTE  
FOR H. B. 1175

Amend the Substitute for H. B. 1175 as follows:

In Section 1 (a) on Line 6 of said Section, insert after the word "elected" and before the word "as" the following:

"and nominated in the same manner that the circuit judges sitting at Bessemer and the deputy district attorney of the Bessemer Division of Jefferson County are nominated and elected,"

Which was adopted.

And said substitute, as thus amended, for the Bill, H. B. 1175, was then adopted by the Senate.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Clemon, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (S), McMillan, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, Stewart, Torbert, Vacca, Waldrop, Wilson.

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*Nays:*

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And said Bill, H. B. 1175, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Gilmore, Givhan, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

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*Nays:*

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**The Bill:**

H. 1190. To alter, rearrange and extend the boundaries and corporate limits of the Town of Trafford in Jefferson County, Alabama, so as to annex certain territory to the town.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Pearson, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

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*Nays:* —0

The Bill.

H. 1191. To alter, rearrange and extend the boundaries and corporate limits of the Town of Trafford in Jefferson County, Alabama, so as to annex certain territory to the town.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Noonan, Owen, Pearson, Perloff, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

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*Nays:* —0

The Bill:

H. 1317. To amend Act Number 453 of the 1967 Regular Session of the Legislature of Alabama (1967 Acts of Alabama, Page 1129, et seq.), entitled "An Act to create in each city of the State of Alabama having a population of three hundred thousand or more according to the last and any subsequent Federal census a pension and relief fund for officers and employees of the Library board of such city and for the widows and dependents of such officers and employees, to provide for a custodian of such fund and to provide for the investment, protection, management and distribution of such fund by a board of managers created for such purpose, "To make such act applicable in each city of the State of Alabama having a population of two hundred and fifty thousand or more, to increase benefits payable from such fund to qualified employees upon disability or retirement, to limit loans from such fund to qualified employees, to increase the size of the board of managers of such fund, and to give the library board of such city the option to expand the coverage of such fund to additional employees and to provide for credit for prior service to qualified employees by extending creditable time.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Jones, King, Little, Littleton, McDonald (A), McMillan, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

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*Nays:* —0

The Bill:

H. 1453. To adjust the salary of Circuit Clerks in all counties of 600,000 population or more, according to the last or any subsequent Federal Census, to the end that the salary of such Clerks shall be increased

by the same percentage as the salaries of other county employees of such counties have theretofore been increased; to provide further for supernumerary status for such Clerks of the Circuit Courts of such counties who have served no less than twenty-five years as such Circuit Clerk and who are not less than sixty-five (65) years of age and to fix the salary and method of payment for such supernumerary Circuit Clerks; to provide further for the transfer to the county general fund of moneys held in any county retirement system for the benefit of any Circuit Clerk who elects to come under the provisions of this Act.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (S), McMillan, Mims, Mitchell, Pearson, Perry, Powell, Roberts, Stewart, Torbert, Vacca, Waldrop, Wilson.

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*Nays:*

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The Bill:

S. 1110. To authorize the dissolution of District Number One Tuberculosis Sanatorium Authority, a public corporation organized under the provisions of Act Number 914 enacted at the 1961 Regular Session of the Legislature of Alabama; to provide for the distribution of the funds of the authority to the several counties making original contributions to the Trustees of said District Number One Sanatorium in the amounts contributed; and to provide for the withholding by the Authority of an estimated amount sufficient to meet any potential unemployment and contingent claims, and for the distribution of all other funds of the several counties, making subsequent contributions to the operation of the sanatorium, in the ratios that the contribution of each bore to the total contributions of all, and then final distribution of any remaining funds not needed to pay unemployment and contingent claims, within two years after the passage of this act in the same percentages.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Edwards, Fine, Flippo, Gilmore, Givhan, King, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perry, Powell, Roberts, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

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*Nays:*

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The Bill:

S. 292. Relating to Etowah County; to better secure the administration of the financial affairs of such county by vesting in the

chairman and members of the county commission a direct and effective financial supervision over all county offices, departments, boards and agencies; to provide for the annual initiation and preparation of a balanced budget of all revenue and expenditures for the County General Fund, Road and Bridge Fund, Gasoline Fund, Public Highway and Traffic Fund, and other funds, including a tentative budget and hearings on the same before adoption of a final budget; to prohibit expenditures in excess of budgeted amounts, and to provide personal civil liability for any department head or other official in charge who violates such prohibition; to provide for proration to prevent an overdraft or deficit; to provide for lapsing of sums budgeted but not expended; to provide that the county commission shall have authority to hire a central purchasing agent in order to make possible the most efficient and economical means of expending county funds; to regulate the office of central purchasing agent and to provide penalties for violations to set the effective date of this act and to repeal conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Fine, Flipppo, Foshee, Givhan, Jones, King, Little, Littleton, McDonald (S), Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, Shelby, Stewart, Torbert, Waldrop, Wilson.

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*Nays:*

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The Bill:

S. 916. Relating to Etowah County; to provide for election of the county superintendent of education; to prescribe the qualifications, duties, term of office, and compensation of such officer; and to repeal Act No. 540, S. 593 of the Regular Session of 1967 and all other conflicting laws.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following substitute for the Bill, S. B. 916, to-wit:

#### SUBSTITUTE FOR S. B. 916

#### A BILL TO BE ENTITLED AN ACT

Relating to Etowah County; to provide for election of the county superintendent of education; to prescribe the qualifications, duties, term of office, and compensation of such officer; and to repeal Act No. 540, S. 593 of the Regular session of 1967 and all other conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply only in Etowah County.

Section 2. The county superintendent of education of Etowah County shall be elected by only the qualified voters that reside in the area

which he serves. The term of office of the superintendent of education shall be four (4) years. The superintendent must be a legal resident of such county. In the event of a vacancy in the office from any cause whatever, the county board of education shall fill such vacancy in the manner provided by the general laws of the State of Alabama, for the unexpired term until the next general election, at which time the position shall be filled for the remaining unexpired term.

Section 3. Any person who is employed by the county board of education or any board of education within the county who meets the qualifications for the office may run for the office of superintendent of education. An employee who does run for this office shall not be required to resign or take a leave of absence from the position which such person presently holds, so long as said person does not neglect the duties of his employment.

Section 4. The county superintendent of education of Etowah County shall be a person of good moral character, of recognized ability as a school administrator or as a classroom teacher, with academic accredited professional education equivalent to graduation from a standard university or college. He shall have successfully completed study at an accredited institution of higher learning on a graduate level, and shall have received a master's degree. Prior to being elected the superintendent shall have had at least five (5) years of public school administration experience or classroom teaching experience, or a combination of both.

Section 5. The Etowah County superintendent of education shall perform and discharge all the duties prescribed by general law for the county superintendent of education. The superintendent shall have the authority to appoint an assistant superintendent, if he deems an assistant necessary, and such assistant shall serve at the pleasure of the superintendent, and shall have the same qualifications as the superintendent. The Etowah County Board of Education must ratify the appointment of the assistant. The superintendent shall also have all duties heretofore or hereafter prescribed by local law.

Section 6. The salary of the county superintendent of education shall be \$23,000 and the assistant superintendent of education shall have his salary fixed by the Etowah County Board of Education on the recommendation of the superintendent of education at an amount deemed adequate and feasible, which shall be payable at the time and in the manner prescribed by the general laws of Alabama regulating the payment of compensation of county superintendents of education.

Section 7. The provisions of this act relative to qualifications for office shall not apply to those who are currently serving as superintendent or assistant superintendent of education.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. Act. No. 540, S. 593 of the Regular Session of 1967 and all other laws or parts of laws which conflict with this act are hereby repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law. It is intended that the provisions of this act relative to election of the superintendent shall be in effect at the primary and general election at which the term beginning January 1, 1977 shall be filled.



Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Clemon, Edwards, Ellis, Fine, Givhan, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Shelby, Stewart, Torbert, Waldrop, Wilson.

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*Nays:*

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And said Bill, S. B. 916, as thus amended by the substitute, was then read a third time at length and lost.

Yeas 1; Nays 2.

*Yea:* Mr. Waldrop.

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*Nays:* Messrs. Foshee, McDonald (S).

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(A quorum of the Senate was present but not voting.)

#### RESOLUTION

Mr. Owen offered the following Senate Joint Resolution, to-wit:

S. J. R. 128. TO ESTABLISH A JOINT INTERIM STUDY COMMITTEE TO INVESTIGATE ALLEGATIONS WITH RESPECT TO THE FAIRHOPE SINGLE TAX CORPORATION.

WHEREAS, the Fairhope Single Tax Corporation located in Baldwin County is a unique entity in this State and accorded certain statutory privileges; and

WHEREAS, allegations have been made by certain citizens of this State that their lessee rights have been prohibitively restricted, that there has been a drastic increase in the rental rates of the land leased by said corporation, and that the formula to arrive at the fair rental value is unequally applied; and

WHEREAS, there have been allegations that confusion exists with respect to the responsibilities and services of the Corporation and the county governing body; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING:

1. That there shall be a joint interim study committee to investigate and make a careful study of any and all allegations with respect to the single tax corporation of Fairhope, its successors, assigns, or lessees, and shall submit its findings together with its recommendations to the Legislature by the fifth day of the next regular session of the Legislature. The Committee shall be composed of 3 house members and 2 senate members to be appointed by the Speaker of the House and the Lieutenant Governor, respectively. The Committee shall have the authority to issue subpoenas, conduct hearings, and examine witnesses under oath.

2. The Committee shall elect a Chairman and Vice Chairman. The Chairman of the Committee, or, in his absence the Vice Chairman, shall set

the schedule and program for Committee work. Members shall receive the regular per diem pay and allowances provided for legislators for each day spent on Committee business. The pay and expenses of the Committee shall be paid from funds appropriated to the use of the Legislature in accordance with Title 32, Section 13, Code of Alabama, 1940.

On motion of Mr. Owen, the Rules were suspended and the Resolution was adopted by the Senate.

#### BILLS ON THIRD READING RESUMED

##### The Bill:

S. 1042. Relating to the governing body of Baldwin County, amending Section 1 of Act No. 239, H. 597, Regular Session 1931 (Local Acts of 1931, p. 100), as amended, which act creates the county commission of Baldwin County in lieu of the board of revenue of said county; so as to provide further for the rearrangement and redivision of the commissioners' districts.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

##### Yeas:

Messrs. Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Perloff, Perry, Powell, Roberts, Stewart, Torbert, Vacca, Waldrop, Wilson.

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##### Nays:

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##### The Bill:

S. 1048. Relating to DeKalb County; providing that the salary of the Deputy District Attorney (County Solicitor) paid by DeKalb County shall be set by the County Commission at not more than \$15,000.00 nor less than \$10,000.00 per year; further providing that the office of Deputy District Attorney is to be a full-time job, and the Deputy District Attorney may not do any work as an attorney or receive any fees from legal work done outside of his duties as Deputy District Attorney.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

##### Yeas:

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Owen, Perloff, Perry, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

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##### Nays:

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##### The Bill:

S. 1066. To authorize the Register of the Circuit Court in all

counties having populations of not less than 23,900 nor more than 24,450 to hire a clerical assistant, to set the compensation of such assistant, and to provide that the salary of such assistant be paid from the general funds of such counties.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Flipppo, Gilmore, Givhan, Jones, King, Little, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

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*Nays:*

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The Bill:

S. 1077. To provide for the election of members of the county board of education of Chambers County, Alabama; to define the school districts from which the members of the county board of education are elected.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, Little, McDonald (A), McDonald (S), McMillan, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

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*Nays:*

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The Bill:

H. 72. Relating to Lawrence County, abolishing the fine and forfeiture fund of Lawrence County and providing that all monies now in the fine and forfeiture fund or hereafter collected for such fund shall be paid into the general fund of such county and that all claims due or to become due from the fine and forfeiture fund shall be paid from the general fund of the county; providing that witness certificates obtained as a state's witness before the grand jury or the circuit court, county court or other inferior court in which a criminal prosecution is pending shall be paid from the general fund on presentation; providing that all monies now held or hereafter collected as witness fees for state's witnesses in the circuit court, county court or other inferior court shall be paid on collection into the general fund of the county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Flippo, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Pearson, Perry, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

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*Nays:*

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The Bill:

H. 74. Relating to Lawrence County; to provide an additional expense allowance for the coroner.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (S), McMillan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca.

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*Nays:*

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The Bill:

H. 75. To amend further Section 1 of Act No. 62, H. 325, Regular Session 1959, as last amended, regulating the meetings of the county board of education of Lawrence County, so as to provide further for the compensation and allowances of the board members.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Torbert, Vacca, Waldrop, Wilson.

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*Nays:*

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The Bill:

H. 100. Relating to counties having not less than 16,600 nor more than 16,950 population, according to the most recent Federal Decennial Census; to provide an additional clerk-hire allowance for the Judge of the Winston County Court of Law and Equity, Winston County, Alabama, and to provide for the payment of same.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, King, Little, Littleton, McDonald (A), McDonald (S), Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Vacca, Waldrop, Wilson.

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*Nays:*

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The Bill:

H. 101. Relating to counties having not less than 16,600 nor more than 16,950 population, according to the most recent Federal Decennial Census; to provide for the hiring of two (2) new Deputies and to provide for the payment of their salaries.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Stewart, Torbert, Vacca, Wilson.

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*Nays:*

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The Bill:

H. 104. Relating to Russell County; requiring any county official who maintains a fiduciary fund under the provisions of Title 58, Sections 30 through 38 or any other statutory provisions which provide for the keeping of fiduciary funds, to remove any monies which have been in the fiduciary fund for a period of ten years or more, and to credit such funds to the county treasury to be expended by the county governing body for any and all purposes.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Givhan, Jones, King, Little, McDonald (A), McDonald (S), Mims, Mitchell, Owen, Perloff, Perry, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 105. Providing that the Probate Judge of Russell County shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications for voter registration at any time the probate office is opened for business.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 106. Relating to Russell County, providing for the hiring of two additional deputies and one county jail matron to be appointed by the sheriff, and providing salaries therefor.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Ellis, Fine, Flippo, Gilmore, Givhan, King, Little, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 107. To provide for an increase in the compensation of the bailiffs of the circuit court of the 26th judicial circuit.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 111. Relating to Russell County; to provide for the employment of clerks, secretaries, and clerical assistants to perform duties in the county offices located in the county courthouse and to provide for the employment of jailers for the county jail; and to provide for the salaries of all such employees.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Givhan, Jones, King, Little, McDonald (S), McMillan, Mims, Owen, Pearson, Perloff, Perry, Powell, Roberts, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 131. To alter, rearrange and extend the boundary lines and corporate limits of cities having a population of not less than 5,550 nor more than 5,700 inhabitants that lie within counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (S), Mitchell, Noonan, Owen, Pearson, Perloff, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—25

*Nays:*

—0

The Bill:

H. 132. Relating to Blount County; to provide further for the costs and charges in criminal cases in any court of the county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Wilson.

—25

*Nays:*

—0

The Bill:

H. 160. To amend Section 5 of Act No. 790, H. 1817, Regular Session 1973 (Acts 1973, p. 1203) establishing the office of Warrant Magistrate in Madison County so as to correct a reference to a certain Section of Title 15, Code of Alabama 1940.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, King, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 161. Relating to Conecuh County; to provide further for the distribution of any oil and gas severance tax paid to the governing body of Conecuh County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), Mims, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Wilson.

—25

*Nays:*

—0

The Bill:

H. 162. Relating to Conecuh County; to amend and reenact Act No. 143, H. 536, Regular Session 1969 (Acts of 1969, p. 415), which act provides for a pistol fee in said county, so as to provide that all monies collected from said act shall be deposited in the county treasury and earmarked for law enforcement purposes.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Jones, King, Little, Littleton, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—25

*Nays:*

—0

The Bill:

H. 243. Relating to Clarke County; authorizing the county commission of said county to provide data processing computerized services or other electronic systems, including micro-filming equipment, for the offices of the probate judge, tax assessor and the tax collector; to provide for the manner of procuring such services and equipment and for the payment therefor from the county general fund; to provide that all



contracts made pursuant to the provisions of this act shall be exempt from any applicable statewide or local competitive bid law and shall be subject to the recommendation and approval of the probate judge of said county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Ellis, Fine, Flippo, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 244. To provide for a clerk or clerks in the offices of the Tax Collector and Tax Assessor of Clarke County, Alabama, and to fix the method and basis of the employment and compensation of such clerk or clerks, and to make such compensation payable out of the General Fund of said County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—25

*Nays:*

—0

The Bill:

H. 245. Relating to Clarke County; declaring motor vehicles, guns, rifles, ammunition and hunting equipment used in illegal nighttime deer hunting in the county to be contraband; and providing for the condemnation and sale thereof for the benefit of the state game and fish fund.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, Mims, Noonan, Owen, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

**The Bill:**

H. 254. Providing that the Probate Judge of Randolph County shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications for voter registration at any time the probate office is open for business.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Gilmore, Givhan, Jones, Little, McDonald (A), McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

**The Bill:**

H. 255. Relating to Randolph County: providing further for the compensation of election officials.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—25

*Nays:*

—0

**The Bill:**

H. 257. To amend the title and Section 2 of Act No. 476, H. 305, Regular Session 1973 (Acts 1973, p. 691), which act relieves the chief clerk of the probate judge of Chambers County of certain duties, so as to correct an error in a citation to a certain act.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, Little, McDonald (A), McDonald (S), McMillan, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 258. Relating to Chambers County; to authorize and permit persons who are drawing retirement from the state to be employed on a part-time basis by the county; to prescribe certain limitations thereon and to repeal conflicting statutes.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Powell, Roberts, St. John, Shelby, Torbert, Wilson.

—25

Nays:

—0

The Bill:

H. 259. Providing that the Probate Judge of Chambers County shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications for voter registration at any time the probate office is open for business.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Givhan, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 260. Relating to Chambers County; to regulate further the compensation of the coroner of Chambers County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 269. Relating to all counties having a population of not less than

27,000 nor more than 27,900 inhabitants according to the most recent or any subsequent federal decennial census; to provide an additional expense allowance for the board of equalization.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, St. John, Shelby, Stewart, Torbert, Vacca.

—25

*Nays:*

—0

The Bill:

H. 278. Relating to counties having populations of not less than 39,500 nor more than 41,500 inhabitants according to the most recent federal decennial census; to limit the liability of sheriffs for the acts of his deputies where he does not participate or where they do not act under his direction and control; to authorize the employment of an attorney out of county funds to advise and represent the sheriff.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Ellis, Fine, Flippo, Gilmore, Givhan, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Perry, Roberts, Shelby, Stewart, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 279. Relating to Limestone County; to empower the several district commissioners on the county commission or other like governing body to authorize the opening of any grave within their district for the interment services of deceased individuals and to repeal all conflicting statutes.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (A), McMillan, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

**The Bill:**

H. 344. Relating to Autauga County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in certain jails of the county, and providing for a rehabilitation board to supervise and administer the rehabilitation process of this Act; to provide further for the carrying out of the provisions of this Act; and to provide penalties for violation of this Act.

Was read a third time at length and passed.

Yeas 25; Nays 0.

**Yeas:**

Messrs. Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Givhan, King, Little, Littleton, McDonald (A), Mitchell, Owen, Pearson, Perloff, Perry, Powell, Roberts, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

**Nays:**

—0

**The Bill:**

H. 528. To alter, rearrange and extend the boundary lines and corporate limits of the city of Ozark in Dale County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

**Yeas:**

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Gilmore, Givhan, Jones, King, Little, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

**Nays:**

—0

**The Bill:**

H. 601. Relating to counties having a population of not less than 39,500 nor more than 41,750 inhabitants according to the most recent federal decennial census; to authorize private schools located in the largest municipality in such counties to participate in the recreation programs provided for by Act No. 527, H. 1330, Regular Session 1973 (Acts of 1973, p. 768), as amended, and to make the provisions of this Act retroactive.

Was read a third time at length and passed.

Yeas 25; Nays 0.

**Yeas:**

Messrs. Adams, Baker, Bank, Edwards, Fine, Flippo, Gilmore, Givhan, Jones, King, Little, McDonald (A), McMillan, Mims, Noonan, Owen, Perloff, Powell, Roberts, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 709. To authorize the county commission of Chambers County to provide for the relief of Wilma M. Atkinson because of property damage sustained to her automobile.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 718. Relating to Etowah County; to better secure the administration of the financial affairs of such county by vesting in the chairman and members of the county commission a direct and effective financial supervision over all county offices, departments, boards and agencies; to provide for the annual initiation and preparation of a balanced budget of all revenue and expenditures for the County General Fund, Road and Bridge Fund, Gasoline Fund, Public Highway and Traffic Fund, and other funds, including a tentative budget and hearing on the same before adoption of a final budget; to prohibit expenditures in excess of budgeted amounts, and to provide personal civil liability for any department head or other official in charge who violates such prohibition; to provide for proration to prevent an overdraft or deficit; to provide for lapsing of sums budgeted but not expended; to provide that the county commission shall have authority to hire a central purchasing agent in order to make possible the most efficient and economical means of expending county funds; to regulate the office of central purchasing agent and to provide penalties for violations to set the effective date of this act and to repeal conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Fine, Flipppo, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Roberts, St. John, Shelby, Stewart, Torbert, Waldrop, Wilson

—25

*Nays:*

—0

The Bill:

H. 755. To amend further Section 4 of Act No. 1292, H. 1795, Regular Session 1971 (Acts of 1971, p. 2220), which act creates the office of

commissioner of licenses in counties having a population of not less than 115,000 nor more than 150,000 inhabitants according to the most recent federal decennial census, so as to provide for the appointment of a deputy commissioner of licenses in such counties.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), Mims, Noonan, Owen, Pearson, Perloff, Perry, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 756. Relating to counties having a population of not less than 115,000 nor more than 150,000 inhabitants according to the most recent federal decennial census, providing for the salaries of the deputy circuit clerk, the deputy tax assessor, the deputy tax collector, and the deputy license commissioner of such counties.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), Mims, Noonan, Owen, Pearson, Perry, Powell, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 765. To authorize the county commissions of all counties having populations of not less than 17,000 nor more than 20,000 to provide for the relief of Dan Powell to pay for dentist bills incurred due to a broken tooth received while working for the county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Givhan, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 811. Relating to Randolph County; providing for a stenographic secretary for the tax assessor and tax collector.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Gilmore, Givhan, Jones, Little, McMillan, Mims, Mitchell, Noonan, Owen, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 812. To provide for the compensation of jurors in Randolph County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Wilson.

—25

*Nays:*

—0

The Bill:

H. 910. Pertaining to Madison County, to amend Act 608 of the 1973 Regular Session, which Act provides for the temporary release of certain prisoners in the County Jail for the purpose of obtaining and working at gainful employment, so as to provide for the payemnt to the County of a portion of the net earnings of said prisoners and for the utilization of funds derived therefrom.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, King, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 923. Relating to Russell County; to prescribe the civil



jurisdiction and the trial tax rate of the Inferior Court; to provide for the compensation and expense allowances of the judge and constables presiding over said court; to provide that the clerk of the circuit court of said county shall also serve as the ex officio clerk of the Inferior Court and to repeal all conflicting statutes.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Little, Littleton, McDonald (A), McDonald (S), McMillan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 941. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of McKenzie, in Butler County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Fine, Gilmore, Givhan, Jones, King, Little, Littleton, Mitchell, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 965. To amend further Sections 4, 16, 24 and 26 and to amend and reenact Section 28 of Act No. 13, H. 118 of the 1947 Regular Session (Local Acts 1947, p. 7), as amended, which establishes for the municipality of Phenix City a pension and relief system for the benefit of firemen and policemen, so as to regulate further membership in, creditable service for and retirement under such system.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Givhan, Jones, King, Little, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Powell, Roberts, St. John, Torbert, Waldrop, Wilson.

—25

*Nays:*

—0

**The Bill:**

H. 1002. To amend further the title and Section 1 of Act No. 611, H. 754, Regular Session 1967 (Acts 1967, p. 1416), as amended, which provides for the appointment of an additional clerk as assistant to the clerk by the circuit court clerk in certain counties classified on a population basis, so as to increase the compensation of said assistant to the clerk.

Was read a third time at length and passed.

Yeas 25; Nays 0.

**Yeas:**

Messrs. Adams, Baker, Bank, Edwards, Fine, Flipppo, Foshee, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Pearson, Perloff, Perry, Powell, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

**Nays:**

—0

**The Bill:**

H. 997. To create an Industrial Development Authority for Calhoun County for the purpose of promoting industry and trade and the development of said county; to provide for the organization, powers, functions, duties and personnel of such Authority and to provide for the payment of the expenses of such Authority and for the compensation of its employees.

was taken up.

Mr. Stewart offered the following amendment to the Bill, H. B. 997, to-wit:

**AMENDMENT TO HOUSE BILL 997**

Amend Section 1 of House Bill 997 to read as follows:

“Section 1. For the purpose of promoting industry and trade and to assist the county commission or other like governing bodies in Calhoun County in their pursuits therefor, there is hereby created an Industrial Development Authority for Calhoun County which shall be determined by the number of participating municipalities as set forth in this bill. All members of the Authority shall be residents and qualified electors of Calhoun County. The Chairman of the Calhoun County Commission, the mayors of Anniston, Hobson City, Jacksonville, Oxford, Piedmont, Weaver and any other municipality which shall request to become a member, and the members of the legislative delegation from Calhoun County shall be members of the Authority. The governing body of Calhoun County and each of the governing bodies of the aforementioned cities shall appoint one resident citizen of their respective communities who are at least twenty-one (21) years of age as members of the Authority. All members of the Authority shall serve for terms of four (4) years. Successors to members of the Authority shall be appointed in the same manner as the original members are appointed and all members shall serve until their successors are so appointed. Vacancies on the board shall be filled by the appointing authority making the original appointment, but any person appointed to fill a vacancy shall serve only for the unexpired

portion of the term. In the event that any original position on the authority has not been filled, as herein provided for within thirty (30) days after the effective date of this act, then the Calhoun County Commission shall have the right to appoint a qualified resident citizen of the appropriate community to fill said position."

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Bank, Clemon, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Stewart, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

And said Bill, H. B. 997, as thus amended, was then read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Stewart, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1011. Relating to Clarke County, Alabama; authorizing the Clarke County Commission to appropriate and pay monies, out of the General Fund of the County, in such amounts as it may determine, to or for the use and benefit of the Clarke County Association for Retarded Citizens.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca.

—25

*Nays:*

—0

The Bill:

H. 1012. Relating to Clarke County; providing an additional expense allowance for the members of the Clarke County Commission or other like governing body.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, McDonald (A), McDonald (S), Mims, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—25

*Nays:*

—0

The Bill:

H. 1013. Relating to Clarke County, Alabama; to provide that the Clerk of the Inferior Court of said County and the Records of the Municipal Courts of Grove Hill, Jackson and Thomasville in said County may each take affidavits and complaints, issue warrants of arrest in misdemeanor and felony cases, and issue search warrants.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Jones, King, Little, Littleton, McDonald (A), Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1032. To change the court fees assessed in civil cases in the Circuit Court and General Sessions Court of Madison County, Alabama, and in cases in the Probate Court of Madison County, Alabama, and to require the payment of court fees in civil cases and cases in the Probate Court when same are filed with said courts.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, King, Littleton, McDonald (A), McMillan, Mims, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1033. To change the compensation of each member of the Madison County Board of Education.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, King, Littleton, McDonald (A), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—25

*Nays:*

—0

The Bill:

H. 1034. To provide in Madison County, Alabama, that the fee charged for issuing any license to a person to carry a pistol in a vehicle or concealed on or about his person pursuant to Section 177, Title 14, Code of Alabama, 1940, as last amended, shall be Five Dollars (\$5.00).

was taken up.

Mr. King offered the following substitute for the Bill, H. B. 1034, to-wit:

#### SUBSTITUTE FOR H. B. 1034

#### A BILL TO BE ENTITLED AN ACT

To provide in Madison County, Alabama, that the fee charged for issuing any license to a person to carry a pistol in a vehicle or concealed on or about his person pursuant to Section 177, Title 14, Code of Alabama, 1940, as last amended, shall be Five Dollars (\$5.00), four dollars of which shall be earmarked for the "betterment of county law enforcement", available upon requisition of the sheriff for such purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Madison County, Alabama, shall charge a fee of Five Dollars (\$5.00) for issuing a license pursuant to Section 177, Title 14, Code of Alabama, 1940, as last amended, to any person to carry a pistol in a vehicle or concealed on or about his person. Four dollars of such fee shall be earmarked for the "betterment of county law enforcement", available upon requisition of the sheriff for such purposes.

Section 2. Said fee shall be collected by the sheriff at the time the application for such license is presented to him and said fee shall be paid into the General Fund of Madison County on or before the 10th of the month following collection of same. The monies requisitioned by the sheriff for the "betterment of county law enforcement", shall be audited annually by the examiners of public accounts.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, King, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

And said Bill, H. B. 1034, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, King, Littleton, McDonald (A), McMillan, Mims, Noonan, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca.

—25

*Nays:*

—0

The Bill:

H. 1037. To change the compensation of each member of the County Commission, except for the Chairman thereof, of Madison County, Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, King, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1038. To change the compensation of the Tax Collector of Madison County, Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Flippo, Foshee,

Givhan, Jones, King, Littleton, McDonald (A), McMillan, Owen, Pearson, Perloff, Perry, Powell, Roberts, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1039. To change the compensation of the Tax Assessor of Madison County, Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Edwards, Ellis, Fine, Gilmore, Givhan, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1047. Relating to Lauderdale County; to further amend Sections 1, 2, 3, 4, 7, 8 and 10 of Act No. 296 adopted by the 1949 Regular Session of the Legislature of the State of Alabama approved July 28, 1949 (Acts of Alabama of 1949, pp. 426 to 433), as amended by Act No. 470 adopted by the 1959 Regular Session of the Legislature of Alabama, approved November 13, 1959 (Acts of Alabama of 1959, Vol. 2, pp. 1165-1170), relating to privilege or license taxes or excise taxes in Lauderdale County (outside the corporate limits of the City of Florence) and in the City of Florence, Lauderdale County; levying in such county (outside the city limits of Florence) and in such municipality additional privilege license and excise taxes paralleling the state sales and use taxes provided for in Act No. 100, Second Special Session 1959 (Acts 1959, p. 298), as amended, and in Articles 11, 11A and 11B, Title 51, Code of Alabama, as amended; providing that the taxes levied in Sections 1 and 3 of this Act shall be subject to all of the exemptions, definitions, proceedings, rules, regulations, requirements, provisions, penalties, fines, punishments and deductions set out in Act No. 100, adopted by the 1959 Second Special Session of the Legislature of Alabama, approved August 18, 1959, as amended, except where inapplicable or where herein otherwise provided; providing that the taxes levied in Sections 2 and 4 of this Act shall be subject to all of the exemptions, definitions, proceedings, rules, regulations, requirements, provisions, penalties, fines, punishments and deductions set out in Articles 11, 11A and 11B of Chapter 20 of Title 51 of the Code of Alabama of 1940, as amended, except where inapplicable or where herein otherwise provided; providing for the alternative collection of such taxes and the enforcement and administration of the Act by the State Department of Revenue if authorized and directed by the governing body of Lauderdale County; and further providing a procedure by which the governing body of Lauderdale County may discontinue availing itself of the alternative collection of such taxes and the enforcement of the Act by the State Department of Revenue after election to invoke such alternative collection and enforcement procedures has been made.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following substitute for the Bill, H. B. 1047, to-wit:

COMMITTEE SUBSTITUTE TO H. 1047

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Lauderdale County; to further amend Sections 1, 2, 3, 4, 7, 8 and 10 of Act No. 296 adopted by the 1949 Regular Session of the Legislature of the State of Alabama approved July 28, 1949 (Acts of Alabama of 1949, pp. 426 to 433), as amended by Act No. 470 adopted by the 1959 Regular Session of the Legislature of Alabama, approved November 13, 1959 (Acts of Alabama of 1959, Vol. 2, pp. 1165-1170), relating to privilege or license taxes or excise taxes in Lauderdale County (outside the corporate limits of the City of Florence) and in the City of Florence, Lauderdale County; levying in such county (outside the city limits of Florence) and in such municipality additional privilege license and excise taxes paralleling the state sales and use taxes provided for in Act No. 100, Second Special Session 1959 (Acts 1959, p. 298), as amended, and in Articles 11, 11A and 11B, Title 51, Code of Alabama, 1940, as amended; providing that the taxes levied in Sections 1 and 3 of this Act shall be subject to all of the exemptions, definitions, proceedings, rules, regulations, requirements, provisions, penalties, fines, punishments and deductions set out in Act No. 100, adopted by the 1959 Second Special Session of the Legislature of Alabama, approved August 18, 1959, as amended, except where inapplicable or where herein otherwise provided; providing that the taxes levied in Sections 2 and 4 of this Act shall be subject to all of the exemptions, definitions, proceedings, rules, regulations, requirements, provisions, penalties, fines, punishments and deductions set out in Articles 11, 11A and 11B of Chapter 20 of Title 51 of the Code of Alabama of 1940, as amended, except where inapplicable or where herein otherwise provided; providing for the alternative collection of such taxes and the enforcement and administration of the Act by the State Department of Revenue if authorized and directed by the governing body of Lauderdale County; and further providing a procedure by which the governing body of Lauderdale County may discontinue availing itself of the alternative collection of such taxes and the enforcement of the Act by the State Department of Revenue after election to invoke such alternative collection and enforcement procedures has been made.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 296 adopted by the 1949 Regular Session of the Legislature of the State of Alabama, approved July 28, 1949 (Acts of Alabama of 1949, pp. 426 to 433), hereinafter referred to as "Act No. 296", as amended by Act No. 470 adopted by the 1959 Regular Session of the Legislature of Alabama, approved November 13, 1959 (Acts of Alabama of 1959, Vol. 2, pp. 1165-1170), hereinafter referred to as "Act No. 470", is hereby further amended to read as follows:

"Section 1. In Lauderdale County, Alabama (outside the city limits of Florence) there is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business



activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

(a) Upon every person, firm, or corporation, engaged, or continuing within Lauderdale County, Alabama (outside the city limits of Florence) in business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character, (not including, however, bonds or other evidences of debts or stocks, nor sale or sales of material and supplies to any person for use in fulfilling contract for the painting, repair or reconditioning of vessels, barges, ships and other watercraft of over fifty tons burden), an amount equal to one percent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer, on the gross sales of the business.

(b) Upon every person, firm or corporation engaged, or continuing within Lauderdale County, Alabama (outside the city limits of Florence) in the business of conducting, or operating, places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games, (including athletic contests, conducted by or under the auspices of any educational institution within this state, or any athletic association thereof, or other association whether such institution or association be a denominational, a state, or county, or a municipal institution or association or a state, county, or city school, or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within Lauderdale County, Alabama (outside the city limits of Florence) an amount equal to one percent of the gross receipts of any such business.

(c) Upon every person, firm or corporation engaged or continuing within Lauderdale County, Alabama (outside the city limits of Florence) in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property an amount equal to  $\frac{1}{4}$  of one percent of the gross proceeds of the sale of such machines; provided, that the term "machines" as herein used, shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

(d) Upon every person, firm or corporation engaged or continuing within Lauderdale County, Alabama (outside the city limits of Florence) in the business of selling at retail any automotive vehicle or truck trailer, semi-trailer or house trailer, an amount equal to one fourth of one percent of the gross proceeds of sale of said automotive vehicle or truck trailer, semi-trailer or house trailer, provided, however, where a person subject to

the tax provided for in this subsection withdraws from his stock in trade any automotive vehicle or truck trailer, semi-trailer or house trailer for use by him or by his employee or agent in the operation of such business, there shall be paid, in lieu of the tax levied herein, a fee of five dollars per year or part thereof during which such automotive vehicle, truck trailer, semi-trailer or house trailer shall remain the property of such person. Each such year or part thereof shall begin with the day or anniversary date, as the case may be, of such withdrawal and shall run for the twelve succeeding months or part thereof during which such automotive vehicle, truck trailer, semi-trailer or house trailer shall remain the property of such person.

Where any used automotive vehicle or truck trailer, semi-trailer or house trailer is taken in trade or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

(e) Upon every person, firm, or corporation engaged or continuing within Lauderdale County, Alabama (outside the city limits of Florence) in the business of selling at retail any machine, machinery, or equipment either that which is used in planting, cultivating, and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock, or poultry on farms, and the parts of such machines, machinery or equipment, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machine, machinery or equipment, and which are necessary to and customarily used in the operation of such machine, machinery or equipment, an amount equal to  $\frac{1}{4}$  of one percent of the gross proceeds of the sale thereof. Provided, however, the percent rate herein prescribed with respect to parts, attachments and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use, except farm trailers used primarily in the production and harvesting of agricultural commodities.

Where any used machine, machinery or equipment, either that which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery or equipment, the tax levied herein shall be paid on the net difference, that is, the price of the new or used machine, machinery or equipment sold, less the credit for the used machine, machinery or equipment taken in trade.

(f) Upon every person, firm, or corporation engaged or continuing within Lauderdale County, Alabama (outside the City limits of Florence) in the business of selling through coin-operated dispensing machines, food and food products for human consumption, not including beverages other than coffee, milk, milk products and substitutes therefor, there is hereby levied a tax equal to one percent (1%) of the cost of such food, food products and beverages sold through such machines, which cost for the purpose of this subsection shall be the gross proceeds of sales of such business.

(g) The tax levied in Section 1 hereof shall be subject to all the exemptions, definitions, proceedings, rules, regulations, requirements, provisions, penalties, fines, punishments and deductions set out in Act No. 100, adopted by the 1959 Second Special Session of the Legislature of Alabama, approved August 18, 1959, entitled "An Act to raise revenue;

levying a privilege or license tax against persons on account of certain business activities; prescribing the rate thereof and exemptions therefrom; superseding Article 10 of Chapter 20, Title 51, Code of Alabama, 1940, as amended and supplemented", as amended, except where inapplicable or where herein otherwise provided, all of which are adopted and made a part hereof by reference, including the provisions for the enforcement and collection thereof."

Section 2. Section 2 of Act No. 296, as amended by Act No. 470, is hereby further amended to read as follows:

"Section 2. (a) In Lauderdale County, Alabama (outside the city limits of Florence) an excise tax is hereby imposed on the storage, use or other consumption in Lauderdale County, Alabama (outside the city limits of Florence) of tangible personal property (not including, however, materials and supplies bought for use in fulfilling a contract for the painting, repairing or reconditioning of vessels, barges, ships and other watercraft of more than fifty tons burden) purchased at retail after the effective date of this Act for storage, use or other consumption in Lauderdale County, Alabama (outside the city limits of Florence) at the rate of one percent of the sales price of such property, except as provided in subsections (b) (c) and (d).

(b) In Lauderdale County, Alabama (outside the city limits of Florence) an excise tax is hereby imposed on the storage, use or other consumption in Lauderdale County, Alabama (outside the city limits of Florence) of any machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, purchased at retail on or after the effective date of this Act at the rate of  $\frac{1}{4}$  of 1 percent of the sales price of any such machine; provided, that the term "machine" as herein used shall include machinery which is used for mining, quarrying, compounding, processing, or other manufacturing tangible personal property, and the parts of such machines, attachments and replacements thereof, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

(c) In Lauderdale County, Alabama (outside the city limits of Florence) an excise tax is hereby imposed on the storage, use or other consumption in Lauderdale County, Alabama (outside the city limits of Florence) of any automotive vehicle or truck trailer, semi-trailer or house trailer purchased at retail on or after the effective date of this Act for storage, use or other consumption in Lauderdale County, Alabama (outside the city limits of Florence) at the rate of one-fourth of one percent of the sales price of such automotive vehicle, truck trailer, semi-trailer or house trailer. Where any used automotive vehicle or truck trailer or semi-trailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

(d) In Lauderdale County, Alabama (outside of the city limits of Florence) there is hereby levied and imposed an excise tax on the storage, use or other consumption in Lauderdale County, Alabama (outside the city limits of Florence) of any machine, machinery or equipment, either that which is used in planting, cultivating, and harvesting farm products, or used in connection with the production of agricultural produce or products,

livestock or poultry, on farms, and the parts of such machines, machinery, or equipment, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machine, machinery or equipment, which is purchased at retail after the effective date of this Act for storage, use or other consumption in Lauderdale County, Alabama (outside the city limits of Florence), at the rate of  $\frac{1}{4}$  of one percent of the sales price of such property, regardless of whether the retailer is or is not engaged in business in Lauderdale County, Alabama (outside the city limits of Florence). Provided, however, the  $\frac{1}{4}$  of one percent rate herein prescribed with respect to parts, attachments and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use except farm trailers used primarily in the production and harvesting of agricultural commodities. Where any used machine, machinery or equipment, either that which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery or equipment, the tax levied herein shall be paid on the net difference, that is, the price of the new or used machine, machinery or equipment sold, less the credit for the used machine, machinery or equipment taken in trade.

(e) Every person storing, using or otherwise consuming in Lauderdale County, Alabama (outside the city limits of Florence) tangible personal property purchased at retail shall be liable for the tax imposed hereby, and the liability shall not be extinguished until the tax has been paid; provided, however, that a receipt from a retailer maintaining a place of business in Lauderdale County, Alabama, showing the payment of said tax shall be sufficient to relieve the purchaser from further liability for tax to which such receipt may refer.

(f) An excise tax is hereby imposed on the classes of tangible personal property, and at the rates imposed on such classes, specified in subsections (a) (b) (c) and (d) of this Section 2, on the storage, use or other consumption in the performance of a contract in Lauderdale County, Alabama (outside the city limits of Florence) of any such tangible personal property, new or used, the tax to be measured by the sales price of the fair and reasonable market value of such tangible personal property when put into use in Lauderdale County, Alabama (outside the city limits of Florence), whichever is less. Provided, however, the tax imposed by this subsection shall not apply where the taxes imposed by subsections (a) (b) (c) and (d) of this Section 2 are applicable.

(g) Each tax levied in Section 2 hereof shall be subject to all the exemptions, definitions, proceedings, rules, regulations, requirements, provisions, penalties, fines, punishments and deductions set out in Article 11 of Chapter 20 of Title 51 of the Code of Alabama of 1940, as amended, except where inapplicable or where herein otherwise provided, all of which are adopted and made a part hereof by reference, including the provisions for the enforcement and collection thereof."

Section 3. Section 3 of Act No. 296, as amended by Act No. 470, is hereby further amended to read as follows:

"Section 3. In the City of Florence, Alabama there is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by

the application of rates against gross sales, or gross receipts, as the case may be, as follows:

(a) Upon every person, firm, or corporation, engaged or continuing within the City of Florence, Alabama in business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character, (not including, however, bonds or other evidences of debts or stocks, nor sale or sales of material and supplies to any person for use in fulfilling a contract for the painting, repair, or reconditioning of vessels, barges, ships and other watercraft of over fifty tons burden), an amount equal to one-half of one percent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer, on the gross sales of the business.

(b) Upon every person, firm or corporation engaged, or continuing within the City of Florence, Alabama in the business of conducting, or operating, places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusements devices, musical devices, theaters, opera houses, moving picture shows, vaudevilles, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games, (including athletic contests, conducted by or under the auspices of any educational institution within this state, or any athletic association thereof, or other association whether such institution or association be a denominational, a state, or county, or a municipal institution or association or a state, county, or city school, or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within the City of Florence, Alabama an amount equal to one-half of one percent of the gross receipts of any such business.

(c) Upon every person, firm or corporation engaged or continuing within the City of Florence, Alabama in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property an amount equal to  $\frac{1}{8}$  of one percent of the gross proceeds of the sale of such machines; provided, that the term "machines" as herein used, shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

(d) Upon every person, firm or corporation engaged or continuing within the City of Florence, Alabama in the business of selling at retail any automotive vehicle or truck trailer, semi-trailer or house trailer, an amount equal to one-eighth of one percent of the gross proceeds of sale of said automotive vehicle or truck trailer, semi-trailer or house trailer, provided, however, where a person subject to the tax provided for in this subsection withdraws from his stock in trade any automotive vehicle or truck trailer, semi-trailer or house trailer for use by him or by his employee or agent in

the operation of such business, there shall be paid, in lieu of the tax levied herein, a fee of five dollars per year or part thereof during which such automotive vehicle, truck trailer, semi-trailer or house trailer shall remain the property of such person. Each such year or part thereof shall begin with the day or anniversary date, as the case may be, of such withdrawal and shall run for the twelve succeeding months or part thereof during which such automotive vehicle, truck trailer, semi-trailer or house trailer shall remain the property of such person.

Where any used automotive vehicle or truck trailer, or semi-trailer or house trailer is taken in trade or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

(e) Upon every person, firm, or corporation engaged or continuing within the City of Florence, Alabama in the business of selling at retail any machine, machinery, or equipment either that which is used in planting, cultivating, and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock, or poultry on farms, and the parts of such machines, machinery or equipment, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machine, machinery or equipment, and which are necessary to and customarily used in the operation of such machine, machinery or equipment, an amount equal to  $\frac{1}{2}$  of 1 percent of the gross proceeds of the sale thereof. Provided, however, the  $\frac{1}{2}$  of 1 percent rate herein prescribed with respects to parts, attachments and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use, except farm trailers used primarily in the production and harvesting of agricultural commodities.

Where any used machine, machinery or equipment, either that which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery or equipment, the tax levied herein shall be paid on the net difference, that is, the price of the new or used machine, machinery or equipment sold, less the credit for the used machine, machinery or equipment taken in trade.

(f) Upon every person, firm, or corporation engaged or continuing within the City of Florence, Alabama in the business of selling through coin-operated dispensing machines, food and food products for human consumption, not including beverages other than coffee, milk, milk products and substitutes therefor, there is hereby levied a tax equal to one-half of one percent ( $\frac{1}{2}$  of 1%) of the cost of such food, food products and beverages sold through such machines, which cost for the purpose of this subsection shall be the gross proceeds of sales of such business.

(g) The tax levied in Section 3 hereof shall be subject to all the exemptions, definitions, proceedings, rules, regulations, requirements, provisions, penalties, fines, punishments, and deductions set out in Act No. 100, adopted by the 1959 Second Special Session of the Legislature of Alabama, approved August 18, 1959, entitled "An Act to raise revenue; levying a privilege or license tax against persons on account of certain business activities; prescribing the rate thereof and exemptions therefrom; superseding Article 10 of Chapter 20, Title 51, Code of Alabama, 1940, as amended and supplemented", as amended, except where

inapplicable or where herein otherwise provided, all of which are adopted and made a part hereof by reference, including the provisions for the enforcement and collection thereof."

Section 4. Section 4 of Act No. 296, as amended by Act No. 470, is hereby further amended to read as follows:

"Section 4. (a) In the City of Florence, Alabama an excise tax is hereby imposed on the storage, use or other consumption in the City of Florence, Alabama of tangible personal property (not including, however, materials and supplies bought for use in fulfilling a contract for the painting, repairing or reconditioning of vessels, barges, ships and other watercraft of more than fifty tons burden) purchased at retail after the effective date of this Act for storage, use or other consumption in the City of Florence, Alabama at the rate of one-half of one percent of the sales price of such property, except as provided in subsections (b) (c) and (d).

(b) In the City of Florence, Alabama an excise tax is hereby imposed on the storage, use or other consumption in the City of Florence, Alabama of any machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, purchased at retail on or after the effective date of this Act at the rate of one-eighth of one percent of the sales price of any such machine; provided, that the term "machine" as herein used shall include machinery which is used for mining, quarrying, compounding, processing, or other manufacturing tangible personal property, and the parts of such machines, attachments and replacements thereof, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

(c) In the City of Florence, Alabama an excise tax is hereby imposed on the storage, use or other consumption in the City of Florence, Alabama of any automotive vehicle or truck trailer, semi-trailer or house trailer purchased at retail on or after the effective date of this Act for storage, use or other consumption in the City of Florence, Alabama at the rate of one-eighth of one percent of the sales price of such automotive vehicle, truck trailer, semi-trailer or house trailer. Where any used automotive vehicle or truck trailer or semi-trailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

(d) In the City of Florence, Alabama there is hereby levied and imposed an excise tax on the storage, use or other consumption in the City of Florence, Alabama of any machine, machinery or equipment, either that which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock or poultry, on farms, and the parts of such machines, machinery, or equipment, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machine, machinery or equipment, which is purchased at retail after the effective date of this Act for storage, use or other consumption in the City of Florence, Alabama, at the rate of one-eighth of one percent of the sales price of such property, regardless of whether the retailer is or is not engaged in business in the City of Florence, Alabama. Provided, however, the one-eighth of one percent rate herein prescribed with respect to parts, attachments and replacements shall not apply to any automotive vehicle or trailer designed

primarily for public highway use except farm trailers used primarily in the production and harvesting of agricultural commodities. Where any used machine, machinery or equipment, either that which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery or equipment, the tax levied herein shall be paid on the net difference, that is, the price of the new or used machine, machinery or equipment sold, less the credit for the used machine, machinery or equipment taken in trade.

(e) Every person storing, using or otherwise consuming in the City of Florence, Alabama tangible personal property purchased at retail shall be liable for the tax imposed hereby, and the liability shall not be extinguished until the tax has been paid; provided, however, that a receipt from a retailer maintaining a place of business in the City of Florence, Alabama, showing the payment of said tax shall be sufficient to relieve the purchaser from further liability for tax to which such receipt may refer.

(f) An excise tax is hereby imposed on the classes of tangible personal property, and at the rates imposed on such classes, specified in subsections (a) (b) (c) and (d) of this Section 4, on the storage, use or other consumption in the performance of a contract in the City of Florence, Alabama of any such tangible personal property, new or used, the tax to be measured by the sales price of the fair and reasonable market value of such tangible personal property when put into use in the City of Florence, Alabama, whichever is less. Provided, however, the tax imposed by this subsection shall not apply where the taxes imposed by subsections (a) (b) (c) and (d) of this Section 4 are applicable.

(g) Each tax levied in Section 4 hereof shall be subject to all the exemptions, definitions, proceedings, rules, regulations, requirements, provisions, penalties, fines, punishments and deductions set out in Article 11 of Chapter 20 of Title 51 of the Code of Alabama of 1940, as amended, except where inapplicable or where herein otherwise provided, all of which are adopted and made a part hereof by reference, including the provisions for the enforcement and collection thereof."

Section 5. Section 7 of Act No. 296, as amended by Act No. 470, is hereby further amended to read as follows:

"Section 7. (a) Unless otherwise authorized and directed by the governing body of Lauderdale County as provided in sub-section (b) of this section, the taxes herein levied shall be collected by and paid to the Probate Judge of Lauderdale County in his official capacity. All reports required to be made to the Commissioner of Revenue of the State of Alabama as to State Sales and Use Taxes under the aforesaid Act No. 100 of the 1959 Second Special Session of the Legislature and Articles 11, 11A and 11B of Chapter 20 of Title 51 of the Code of Alabama of 1940 and amendments thereto, as to such taxes herein levied shall also be made to the Probate Judge of Lauderdale County, Alabama, and as to the taxes herein levied the Probate Judge of Lauderdale County, Alabama shall have and exercise the same powers, duties and obligations as are imposed on the Commissioner of Revenue of the State of Alabama by the aforesaid Act No. 100 of the 1959 Second Special Session of the Legislature and Articles 11, 11A and 11B of Chapter 20 of Title 51 of the Code of Alabama of 1940, and amendments thereto, as to state taxes therein levied. The Probate



Judge of Lauderdale County shall be reimbursed out of said taxes for all clerk hire and other expense incurred by him in the collection, handling and disbursing of said monies, and shall also be entitled to reasonable compensation for his services in connection therewith, to be paid out of said tax monies, not to exceed one percent of such collection. And each person or party paying any tax under this Act to said Probate Judge shall be authorized to deduct from the remittance three percent (3%) of the amount of such tax for reimbursement for the expense of collecting and reporting such tax. (b) If authorized and directed by resolution of the governing body of Lauderdale County, all taxes herein levied shall be collected by and paid to the State Department of Revenue at the same time and along with the collection by the department of taxes levied and collected for the State of Alabama under Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama, as amended, and Acts supplemental thereto, and Articles 11, 11A and 11B of Chapter 20 of Title 51 of the Code of Alabama of 1940, as amended, and Acts supplemental thereto, and amendatory thereof. In the event of such authorization and direction the provisions hereinafter set out in this subsection (b) shall apply to the payment and collection of the taxes herein levied. The duties hereby imposed upon the Commissioner of Revenue, the Department of Revenue and the State Comptroller shall be assumed and discharged by them after the making and filing with the State Department of Revenue of a certified copy of the authorizing resolution of the governing body of Lauderdale County; but the duty to collect the taxes herein levied shall not be imposed upon the Department of Revenue until the 1st day of the month next following the expiration of thirty (30) days from the date of the filing with it of such certified copy of the authorizing resolution which shall be the beginning period for the collection of such taxes as shall be due on and after said 1st day of the month. This Act shall be enforced by the Commissioner of Revenue and the State Department of Revenue in the same way, and subject to the same rules and regulations, including discounts to licensees, as the state sales tax and the state use tax are enforced as provided in Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama, as amended, and in Articles 11, 11A and 11B of Chapter 20 of Title 51, Code of Alabama, 1940, as amended, respectively, and Acts supplemental thereto and amendatory thereof, except where inapplicable or where herein otherwise expressly provided. The State Department of Revenue shall prepare and distribute such reports, forms and other information as may be necessary for the collection of the taxes herein levied. On and prior to the due dates of the taxes herein levied each person subject to said taxes shall file with the State Department of Revenue a report or return in such form as may be prescribed by the department, setting forth with respect to all sales and business that are required to be used as a measurement of the taxes herein levied, a correct statement of the gross proceeds of all such sales and the gross receipts of all such business, and setting forth with respect to the use taxes herein levied, the total sales price of all property the use, storage or other consumption of which became subject to the tax during the then preceding quarterly period. Such reports shall include also such other items of information pertinent to said taxes and the amounts thereof as the State Department of Revenue may require. Any person subject to the taxes levied herein may defer reporting credit sales until after their collection, and in the event he so defers reporting them, he shall thereafter include in each monthly report all credit collections made during the month preceding and shall pay the taxes due thereon at the time of filing such report. All reports and returns filed with the State Department of Revenue

under this sub-section shall be available for inspection by the governing body of Lauderdale County, or its designated agent, at reasonable times during business hours. The State Department of Revenue shall have full right, power and authority for the use and benefit of Lauderdale County and the City of Florence, as the case may be, to collect the taxes herein levied and enforce this Act and shall have and exercise for such collection and enforcement all rights and remedies that this state or the department has for collection of the state sales and use tax. The State Department of Revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of the taxes levied by this Act and otherwise to enforce the provisions of this Act, including any litigation involving this Act; and the department shall pay such special counsel such fees as it deems necessary and proper from the proceeds of the taxes collected by it hereunder. The State Department of Revenue shall charge Lauderdale County and the City of Florence, respectively, for collecting the respective special county and city taxes herein levied such amount or percentage of total collections as may be agreed upon by the Commissioner of Revenue and the governing body of Lauderdale County, but such charge shall not in any event exceed five percent of the total amount of the special city and county taxes collected hereunder. Such charge for collecting said taxes may be deducted each month from the special sales and special use taxes collected before certifying the amount of the proceeds thereof due the designated recipients of such taxes for that month. The Commissioner of Revenue shall pay into the state treasury all taxes collected under this Act as such taxes are received by the Department of Revenue. On or before the fifth day of each successive month (commencing with the month following the month in which the department makes the first collections hereunder) the Commissioner shall certify to the State Comptroller the amount of taxes collected under the provisions of this Act and paid by him into the state treasury for the benefit of Lauderdale County and the City of Florence respectively during the month immediately preceding the making of such certificate. Provided, however, that before certifying the amount of said taxes paid into the state treasury during each month for the benefit of Lauderdale County and the City of Florence respectively, the Commissioner may deduct from the said taxes collected in said month the charges due the department for such collection. (c) If the governing body of Lauderdale County elects to invoke the provisions of preceding sub-section (b) of this section for the collection of the taxes herein levied and thereafter determines to discontinue availing itself of the alternative methods prescribed by preceding sub-section (b) of this section for the collection of the taxes herein levied it shall adopt a resolution so declaring and file a certified copy thereof with the Department of Revenue, whereupon the duties imposed upon the Commissioner of Revenue, the State Department of Revenue and the State Comptroller hereby shall terminate as of the 1st day of the month next following the expiration of thirty (30) days from the date of the filing with the State Department of Revenue of such certified copy and thereupon the provisions of preceding sub-section (a) of this section shall be automatically effective."

Section 6. Section 8 of Act No. 296, as amended by Act No. 470, is hereby further amended to read as follows:

"Section 8. (a) In the event the provisions of subsection (a) of Section 7 of this Act are utilized for the collection of the taxes herein levied, the Probate Judge of Lauderdale County shall at monthly intervals

pay over any monies collected by him from such taxes, less his expense and compensation as hereinbefore provided, to the Lauderdale County Board of Education, and the City Board of Education in the same proportions as the school funds allocated by the State of Alabama to Lauderdale County, and the City of Florence, are now or may hereafter be divided. (b) In the event the alternative methods prescribed by sub-section (b) of Section 7 of this Act are utilized for the collection of the taxes herein levied, it shall be the duty of the State Comptroller in his official capacity to issue his warrant each month in collective total amount equal to the total amount certified and paid into the state treasury by the Commissioner of Revenue during the month immediately preceding under the provisions of this Act payable to the Custodian of Public School Funds, Lauderdale County, Alabama, who shall forthwith pay over such funds to the Lauderdale County Board of Education and the Florence City Board of Education in the same proportions as the school funds allocated by the State of Alabama to Lauderdale County and the City of Florence are now or may be hereafter divided."

Section 7. Section 10 of Act No. 296, as amended by Act No. 470, is hereby further amended to read as follows:

"Section 10. In event the taxes herein levied are being collected by and paid to the Probate Judge of Lauderdale County under the provisions of this Act, the taxes herein levied shall be due and collectible at the times and manner and as set out in the aforesaid Act No. 100 of the 1959 Second Special Session of the Legislature and Articles 11, 11A and 11B of Chapter 20 of Title 51 of the Code of Alabama of 1940, and amendments thereto, and all of the methods and provisions given to the State of Alabama as to the collection of said taxes under the provisions of the aforesaid Act No. 100 of the 1959 Second Special Session of the Legislature and Articles 11, 11A and 11B of Chapter 20 of Title 51 of the Code of Alabama of 1940, and amendments thereto, are given hereby to Lauderdale County and the City of Florence as to the taxes hereby levied."

Section 8. All laws or parts of laws in conflict with any provision of this Act are hereby repealed.

Section 9. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Ellis, Flippo, Gilmore, Givhan, Jones, King, Little, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

And said Bill, H. B. 1047, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Ellis, Flippo, Gilmore, Givhan, Jones, King, Little, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

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*Nays:*

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The Bill:

H. 1055. Relating to Lauderdale County; authorizing the county commission to provide parking facilities near the county courthouse and to regulate parking on county property around the courthouse; providing penalties for violations.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Flippo, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, St. John, Shelby, Stewart, Torbert, Wilson.

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*Nays:*

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The Bill:

H. 1056. To authorize the Lauderdale County Board of Education to set and establish sick leave and annual leave, and rules pertaining thereto for employees other than teachers so that said employees may, at the discretion of said County Board, participate in leave allowances.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Bank, Clemon, Edwards, Ellis, Flippo, Gilmore, Givhan, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1057. Relating to Lauderdale County; providing for an expense allowance for members of the Lauderdale County Board of Education.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Flippo, Gilmore, Givhan, Jones, King, Little, Littleton, McMillan, Mitchell, Noonan, Owen, Pearson, Powell, Roberts, Shelby, Stewart, Torbert, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1058. To authorize the city of Florence to declare noxious or dangerous weeds growing upon the streets or sidewalks, or upon private property within said city, or any accumulation of trash, rubbish, junk or debris, or any unsightly or dangerous walls, or any abandoned construction of any kind or nature, or motor vehicles or machinery not in operating condition, or any debris of a burned building, or any abandoned or unused swimming pool, or any abandoned wells or cisterns, to be a public nuisance and creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Owen, Pearson, Perloff, Perry, St. John, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1071. Relating to the stenographic secretary appointed by the district attorney in every judicial circuit, composed of one county with a population of not less than 27,000 nor more than 27,900, so as to authorize an additional expense allowance for the stenographic secretary.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following substitute for the Bill, H. B. 1071, to-wit:

#### SUBSTITUTE FOR HOUSE BILL 1071

#### A BILL TO BE ENTITLED AN ACT

Relating to the stenographic secretary appointed by the district attorney in every judicial circuit, composed of one county with a population of not less than 27,000 nor more than 27,900, so as to authorize an additional expense allowance for the stenographic secretary.

Be It Enacted by the Legislature of Alabama:

Section 1. The stenographic secretary appointed by the district attorney in every judicial circuit composed of one county, with a population of not less than 27,000 nor more than 27,900, shall be entitled to an additional expense allowance in the amount of \$75.00 per month, payable monthly from the general fund of said county. Such expense allowance shall be in addition to any salary or any other expense allowance now paid by said county.

Section 2. The county commission of any such county is hereby authorized to set the working days of said stenographic secretary appointed by the district attorney of said circuit and is further authorized, empowered and directed to pay the additional expense allowance provided herein to said stenographic secretary.

Section 3. This act shall become effective October 1, 1975.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Flipppo, Foshee, Gilmore, Givhan, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Wilson.

—25

*Nays:*

—0

And said Bill, H. B. 1071, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca.

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*Nays:*

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The Bill:

H. 1116. To create the positions of and establish a salary range for the positions of stenographic secretary for each of the judges of the 26th judicial circuit.

was taken up.

Mr. Torbert offered the following amendment to the Bill, H. B. 1116, to-wit:

Amend House Bill No. 1116 by striking out in Section 1 the phrase, to-wit:

“with the permission of the county commission and such secretaries shall serve at the pleasure of the county commission.” and add a period after the word “him” on line 25.

Also, on lines 30 and 31, delete the words, to-wit: "the county commission of the counties in the 26th Judicial Circuit" and insert in lieu thereof the following to-wit: "the circuit judge of said circuit served by the secretary".

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Givhan, Jones, King, Little, Littleton, McDonald (S), Mitchell, Noonan, Owen, Pearson, Perry, Powell, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

*Nays:*

—0

And said Bill, H. B. 1116, as thus amended, was then read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Givhan, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Wilson.

—25

*Nays:*

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The Bill:

H. 1117. To provide further for solicitor's and district attorney's fees in the 26th Judicial Circuit; establishing a "District Attorney's Fund" and providing for its use and expenditure.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perry, Roberts, St. John, Shelby, Torbert, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1118. Relating to Russell County; to authorize the Russell County Commission to pay certain expenses incurred relative to certain investigations carried out by the District Attorney or Sheriff and to prescribe procedure for making such payments.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Bank, Clemon, Edwards, Ellis, Fine, Flippo, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

### BILL RECONSIDERED

On motion of Mr. Stewart, the Senate reconsidered the vote by which the Bill, H. B. 997, as amended, was passed.

On motion of Mr. Stewart, the Senate reconsidered the vote by which the Bill, H. B. 997, as amended, was ordered to its third reading.

On motion of Mr. Stewart, the Senate reconsidered the vote by which his amendment was adopted, and on motion of Mr. Stewart, said amendment was laid on the table.

And said Bill, H. B. 997, was again read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Bank, Clemon, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Stewart, Vacca, Waldrop, Wilson.

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*Nays:*

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### MESSAGE FROM THE HOUSE

Mr. President:

The House has acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the Senate bill:

S. 887. To establish a system of regulation and control of coal surface mining and reclamation; a declaration of public policy and legislative intent; a section defining key provisions of this act; the creation and establishment of the Alabama Surface Mining Reclamation Commission with powers and authority; establishes necessity of licenses and qualifications for obtaining licenses, and provides for permits with a right to surface mine and proper application therefor; requires a reclamation plan and map; provides for removal of certain facilities; establishes blasting regulations and setback requirements; sets application fees, bond of operator, insurance requirement, sufficiency of surety, cancellation by surety and suspension of operator's permit; provides for posting of lands; provides for entry upon lands for inspection; provides for reporting of certain information by certain purchasers of coal and provides penalties for the failure to comply; provides for



confidentiality of certain records; establishes violations, administrative procedures, procedure for appeals from orders of the Commission, provides for legal remedies, enforcement provisions; and penalties; establishes the Alabama Surface Mining Reclamation Fund; provides for citizens' suits; provides for rule making procedures; provides saving and conforming provisions and establishes the effective date and orderly transition to said new act and repeals the Surface Mining Act of 1969 (Act 399 Regular Session) as to regulation of coal surface mining only; provides for approval of certain coal leases; provides for severability; sets effective date of the act.

And the Speaker of the House has appointed as a Committee on the part of the House Messrs. Biddle, Crowe and Rich.

JOHN W. PEMBERTON,  
Clerk.

### BILLS ON THIRD READING RESUMED

The Bill:

H. 1119. Relating to Russell County; to provide an expense allowance for the coroner in said county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Flipppo, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1158. Relating to Dale County; providing additional compensation for the official court reporter of the Thirty-third Judicial Circuit, payable by the county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), Mims, Noonan, Owen, Pearson, Perry, Roberts, St. John, Stewart, Torbert, Vacca, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1170. Relating to Lauderdale County; to provide for the salary of the members of the Jury Commission.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Flippo, Gilmore, Givhan, Jones, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perry, Powell, Roberts, St. John, Shelby, Vacca, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

H. 1172. Relating to all counties having a population of 90,000 to 100,000 inhabitants according to the most recent Federal Decennial Census; to provide that all county boards of education in such counties, shall have the power to borrow against revenues derived from the sale of malt or brewed beverages for capital outlay purposes; to provide for the allocation of such revenues; to provide in whom the power to secure loans shall be invested and the procedure to follow; to provide for the payment of any outstanding indebtedness should the voters of any such counties, at any time in the future vote to prohibit legal sales of alcoholic beverages; to provide that all laws in conflict are hereby repealed and its becoming effective upon its signing by the Governor or it otherwise becoming law.

was taken up.

Mr. Waldrop offered the following amendment to the Bill, H. B. 1172, to-wit:

#### AMENDMENT TO H. B. 1172

Amend H. B. 1172 as follows:

On page 1, line 30, delete in its entirety Section 3 and insert in lieu thereof the following:

Section 3. All revenues derived from the sale of malt or brewed beverages allocated to the county school system shall be distributed on a per pupil basis to the individual highschool-feeder school districts, based on the ratio of pupils within each district to the total enrollment of said county school system. The number of pupils within each district shall be determined by the enrollment of pupils in each district, based on the latest average daily attendance figures issued by the state department of education.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Jones, King, Little, Littleton, McDonald (S), Mims, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Waldrop, Wilson.

—25

*Nays:*

—0

And said Bill, H. B. 1172, as thus amended, was then read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Edwards, Ellis, Fine, Flippo, Foshee, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

H. 1212. Pertaining to Cullman County; to abolish the office of Register in Chancery of the Thirty-Second Judicial Circuit; to provide that the Circuit Clerk of said circuit shall henceforth perform the duties and functions of said Register; to provide that such change shall become effective on January 17, 1977; and establish the yearly salary for the Circuit Clerk.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, McDonald (A), McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

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*Nays:*

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The Bill:

H. 1214. Relating to Cullman County; to reimburse the office of the judge of probate for any monetary loss resulting in the performance of official duties from errors or mistakes, made in good faith, and upon proper certification by the state auditor, not to exceed a maximum of fifteen hundred dollars per annum; making the provisions herein retroactive to October 1, 1972.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 1214, to-wit:

#### COMMITTEE AMENDMENT TO HOUSE BILL 1214

Amend House Bill 1214 by deleting the word "auditor" on lines 17, 25, and 31 and in lieu thereof inserting the word "examiner".

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Bank, Clemon, Edwards, Ellis, Fine, Flippo, Jones, King, Little, Littleton, McDonald (A), McDonald (S), Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

And said Bill, H. B. 1214, as thus amended, was then read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1216. To provide further for the expense allowances of certain county officers and officials of Cullman County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

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The Bill:

H. 1229. Relating to all counties in the State of Alabama having a population of not less than 52,000 nor more than 52,500 according to the most recent federal decennial census; relieving the clerk and register of the circuit court of all such counties of the duty of subscribing for, taking, filing, causing to be bound, and kept in their respective offices, copies of daily and weekly newspapers published in the county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perry, Powell, Roberts, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1234. To require every county in the state of Alabama having a population of not less than 39,500 nor greater than 41,750 to provide a civil service merit system governing its law enforcement officers or to enter into an agreement for participation in the state merit system.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Gilmore, Givhan, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Shelby, Stewart, Torbert, Vacca.

—25

*Nays:*

—0

The Bill:

H. 1235. To amend Section 1 of Act No. 1852, H. 2568, Regular Session 1971 (Acts 1971, p. 3009) relating to counties having populations of not less than 300,000 nor more than 600,000 providing for the relief of Nollie Thompson.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Givhan, Jones, King, Little, Littleton, McMillan, Mims, Noonan, Perloff, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1248. Proposing an amendment to the Constitution of Alabama relating to the compensation of certain officers of Butler County.

Was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Wilson.

—25

*Nays:*

—0

**The Bill:**

H. 1252. Authorizing the county commission of Choctaw County to pay the sheriff of Choctaw County a monthly expense allowance of two hundred fifty dollars (\$250.00).

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Jones, King, Littleton, McDonald (A), McDonald (S), Mims, Noonan, Owen, Perloff, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

**The Bill:**

H. 1263. To change the Law Library tax charged in criminal cases in the General Sessions Court of Madison County, Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, King, McDonald (A), McMillan, Mims, Owen, Pearson, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

**The Bill:**

H. 1265. To provide an additional expense allowance for the tax collector of Conecuh County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Ellis, Flippo, Givhan, Jones, King, Little, McDonald (A), McDonald (S), Mims, Noonan, Owen, Perloff, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

**The Bill:**

H. 1272. Relating to Clarke County; to provide for branch banking.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Gilmore, Givhan, Jones, King, Little, McMillan, Mims, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1296. To authorize the Chambers County Commission or other like governing body to appoint an assistant county engineer; to provide for his compensation; to prescribe certain qualifications and duties; to provide for state participation in his salary and to repeal conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Edwards, Fine, Foshee, Gilmore, Givhan, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1325. To apply in all counties having populations of not less than 35,000 nor more than 38,000, according to the most recent Federal decennial census, to provide for the relief of Wilma M. Atkinson because of property damage sustained to her automobile.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Edwards, Ellis, Flippo, Foshee, Gilmore, Givhan, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perry, Powell, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1327. Relating to Morgan County; to provide for an annual salary for the coroner and a retroactive expense allowance; and to provide for the salary and expense of the coroner to begin with the next term of office.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Flipppo, Gilmore, Givhan, Jones, King, Little, Littleton, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1366. Relating to counties having populations of not less than 34,875 nor more than 36,000 inhabitants, according to the most recent federal decennial census, authorizing an appropriation from county funds for certain purposes.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1379. To repeal Act No. 164, H. 132, approved May 5, 1975, Third Special Session, 1975 entitled "An Act Relating to counties having a population of not less than 90,000, nor more than 100,000, according to the most recent federal decennial census; to authorize the County Commission, Board of Revenue or like governing body to impose an additional privilege or excise tax upon the sale, use or consumption of malt or brewed beverages within such counties; providing for the administration of the act and the collection and distribution of proceeds of the tax."

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1380. To repeal Act No. 209, H. 133, approved May 5, 1975,



Third Special Session, 1975 entitled, "An Act Relating to counties having a population of not less than 90,000 nor more than 100,000, according to the most recent or any subsequent federal decennial census; authorizing the county commission, board of revenue or like governing body to impose a privilege or license tax upon the sale, distribution, storage, use or other consumption of cigarettes in such counties; providing for enforcement and collection of the tax, and making provisions for the distribution of the proceeds".

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (S), Mims, Mitchell, Noonan, Owen, Perry, Powell, Roberts, Stewart, Torbert, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 1384. Relating to Clarke County, Alabama; providing for the time of the meetings of the Clarke County Commission.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Givhan, Jones, King, Littleton, McDonald (A), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Vacca, Wilson.

—25

*Nays:*

—0

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 899. Relating to the regulated loan business; providing for regulation, examination, investigation, and licensing of individuals, firms, and corporations engaged in the business of making regulated loans and for the suspension and revocation of licenses issued hereunder for specified reasons; prescribing maximum rates of interest and other charges for loans; providing for the administration and enforcement of the Act, prescribing penalties, providing for the proper repeal of existing laws, including Section 18 (f) of Act No. 2052, S. B. 122 of the Regular Session of 1971, approved October 1, 1971, relating to loans over \$300.00 and Act No. 374, H. B. 102 of the Regular Session of 1959, approved November 6, 1959, relating to the small loan business and Act No. 159, H. B. 233, approved

June 23, 1945 (General Acts of Alabama, 1945, page 200), relating to the small loan business and providing for regulation of the same.

JOHN W. PEMBERTON,  
Clerk.

### BILLS ON THIRD READING RESUMED

#### The Bill:

H. 1420. To alter and rearrange the boundary lines of the Town of Flomaton, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory in Escambia County, Alabama, contiguous of said Town.

Was read a third time at length and passed.

Yeas 25; Nays 0.

#### Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Gilmore, Givhan, Jones, King, Little, Littleton, Mims, Noonan, Owen, Pearson, Perloff, Perry, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

#### Nays:

—0

#### The Bill:

H. 1455. To amend Act No. 505 of the Regular Session of 1963 (Acts, 1963, page 1087), as amended by Act No. 1094 of the Regular Session of 1969 (Acts, 1969, page 2028), and by Act No. 848 of the Regular Session of 1971 (Acts, 1971, page 1610), which establish and provide for the operation of the Cherokee County Court, amending Sections 4, 7, 12 (b), 13 (a), and 13 (e) of such Act, so as to abolish trial by jury in both civil and criminal cases in said Cherokee County Court, and to further provide for jury trial by appeal to the Cherokee County Circuit Court and trial de novo in either civil or criminal cases so appealed; to further provide for authority of the Judge of the Cherokee County Court to suspend sentences, place defendants on probation, and remit fines and costs in all criminal cases tried before the Cherokee County Court; to further provide for the collection of a trial tax for cases docketed in the Cherokee County Court; and to further provide for the transfer to the Cherokee County Circuit Court all civil and criminal cases presently pending in the Cherokee County Court wherein a jury trial has been demanded.

Was read a third time at length and passed.

Yeas 25; Nays 0.

#### Yeas:

Messrs. Adams, Baker, Bank, Clemon, Flippo, Foshee, Gilmore, Givhan, Jones, Littleton, McDonald (A), McDonald (S), McMillan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Waldrop, Wilson.

—25

#### Nays:

—0

The Bill:

H. 1459. Relating to Marengo County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in certain jails of the county, and providing for a rehabilitation board to supervise and administer the rehabilitation processes of this Act; to provide further for the carrying out of the provisions of this Act.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Givhan, King, Little, Littleton, McDonald (A), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

S. 741. To repeal Act No. 1025, S. 506, of the 1973 Regular Session (Acts 1973, p. 1562), entitled "An Act To create the office of Ex-officio Judge of any County Court exercising original jurisdiction over general misdemeanors in Judicial Circuits composed of only one county and having a population of not less than 110,000 people nor more than 160,000 people according to the last and any subsequent decennial Federal census; to prescribe the powers, duties and authority of the Ex-officio Judge; to provide for the appointment of such Ex-officio Judge, the fixing of his salary, and the furnishing of quarters, supplies and assistants to him, and to provide a Supervisory Board, and prescribe its authorities and responsibilities," and also Act No. 152, S. 71, of the Third Special Session of 1975 (now in manuscript form), which is amendatory of said Act No. 1025 of the 1973 Regular Session.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following substitute for the Bill, S. B. 741, to-wit:

#### COMMITTEE SUBSTITUTE FOR S. B. 741

#### A BILL TO BE ENTITLED AN ACT

To create the office of ex-officio judge of the Tuscaloosa County Court; to prescribe the powers, duties and authority of the ex-officio judge; to provide for the appointment of such ex-officio judge, the fixing of his salary, and the furnishing of quarters, supplies and assistants to him; and to provide a supervisory board, and prescribe its authorities and responsibilities.

Be It Enacted by the Legislature of Alabama:

Section 1. In Tuscaloosa County, the office of ex-officio judge of the Tuscaloosa County Court is hereby created.

Section 2. A supervisory board is hereby created. Said supervisory board shall be composed of all of the circuit judges of Tuscaloosa County, the judges of the Tuscaloosa County Court, the probate judge of said county, the public defender of said county and the district attorney of said county. The chairman of this supervisory board shall be the presiding circuit judge of said county. In addition to the duties and authorities of the supervisory board as elsewhere set out in this act, it shall be the authority and duty of the supervisory board to advise the ex-officio judge in matters of law and to direct such officer in the general conduct of the office.

Section 3. The office of ex-officio judge shall be subject to the general supervision of the supervisory board, and such officer shall hold office subject to the provisions of the civil service or merit system of the county.

Section 4. The ex-officio judge shall be an officer of the county, appointed by the supervisory board as other officers of the county subject to the civil service or merit system of the county are chosen or appointed, except, however, that any such ex-officio judge holding such office at the time of the passage of this act shall be the first such ex-officio judge under this act, and shall be deemed to hold permanent status as such civil service or merit system officer.

Section 5. It shall be the duty of said ex-officio judge, or his duly and legally constituted assistant or assistants to issue legal process from said court, to take affidavits and to issue warrants of arrest returnable to such court, to examine complaints and witnesses and to examine into facts preliminary to the issuance of a warrant of arrest as required by law, and to fix bail in all cases where a person charged with crime is entitled to bail under any warrant of arrest issued by him and to approve or disapprove any such bonds and to keep a record of all warrants handled by him as ex-officio judge. It shall also be the duty of said ex-officio judge, or his duly and legally constituted assistant or assistants to solemnize the rights of matrimony. Said ex-officio judge or his duly and legally constituted assistant or assistants shall be such magistrates as have power and authority to issue search warrants.

Section 6. Suitable space and stationery, equipment, supplies and assistants necessary for the conduct of said office shall be furnished by the county commission, or like governing body of the county to the ex-officio judge.

Section 7. The supervisory board shall have the authority to recommend the salary or any increase or decrease thereof, but the county commission shall have the authority to set the salary or salaries in the customary manner, provided, however, it shall not be less than \$12,000 nor more than \$18,000 per annum, which sum shall be paid from the general fund of the county in equal installments as salaries of other county officers are paid.

Section 8. The supervisory board is hereby empowered to recommend the employment of an assistant to the ex-officio judge, or as many such assistants to the ex-officio judge as the supervisory board may deem to be necessary and desirable, and such assistant or assistants to the ex-officio judge shall have the same power and authority as herein granted to the ex-officio judge in the absence of the ex-officio judge or when acting under the direction and supervision of the ex-officio judge. Such assistant or assistants may be full time or part time officials as said county commission shall decide or deem advisable.

Section 9. Full time assistants for such ex-officio judge shall be covered by the civil service or merit system of the county, but no part time assistant or assistants who shall be compensated by an hourly rate of pay, shall be employed subject to any civil service or merit system of the county, but shall be employed or discharged by the ex-officio judge with concurrence of the supervisory board.

Section 10. The assistant or assistants to the ex-officio judge shall receive such compensation as the county commission shall deem to be reasonable and proper, and in this determination the county commission shall be guided by, but not bound by, the recommendation of the ex-officio judge and the supervisory board. Such compensation shall be payable out of the general fund of the county as compensation of other county officers are paid.

Section 11. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. All laws or parts of laws which conflict with this act are repealed.

Section 13. This act shall become effective on the first day of the first month beginning after its passage and approval by the Governor, or its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (A), Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

And said Bill, S. B. 741, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Bank, Clemon, Edwards, Ellis, Fine, Flipppo, Gilmore, Jones, King, Little, Littleton, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 1115. To authorize establishment of branch banks in Monroe County.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Clemon, Edwards, Ellis, Fine, Flippo, Foshee, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, Shelby, Stewart, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

S. 1170. Relating to all cities having a population of 7,000 to 8,000 inhabitants, according to the most recent Federal Decennial Census; to provide that all city boards of education in such cities shall have the power to borrow against revenue derived from the sale of malt or brewed beverages for capital outlay purposes; to provide for the allocation of such revenues; to provide in whom the power to secure loans shall be invested and the procedure to follow; to provide for the payment of any outstanding indebtedness should the voters of any such cities, at any time in the future, vote to prohibit legal sales of alcoholic beverages; to provide that all laws in conflict are hereby repealed; and its becoming effective upon its signing by the Governor or its otherwise becoming law.

was taken up.

Mr. Waldrop offered the following substitute for the Bill, S. B. 1170, to-wit:

#### SUBSTITUTE FOR S. B. 1170

#### A BILL TO BE ENTITLED AN ACT

Relating to all cities having a population of 7,400 to 7,600 inhabitants, according to the most recent Federal Decennial Census; to provide that all city boards of education in such cities shall have the power to borrow against revenue derived from the sale of malt or brewed beverages for capital outlay purposes; to provide for the allocation of such revenues; to provide in whom the power to secure loans shall be invested and the procedure to follow; to provide for the payment of any outstanding indebtedness should the voters of any such cities, at any time in the future, vote to prohibit legal sales of alcoholic beverages; to provide that all laws in conflict are hereby repealed; and its becoming effective upon its signing by the Governor or its otherwise becoming law.

Be It Enacted by the Legislature of Alabama:

Section 1. Relating to all cities having a population of 7,400 to 7,600 inhabitants, according to the most recent Federal Decennial Census.

Section 2. City boards of education in all such cities are hereby authorized to borrow against revenues derived from the sale of malt or brewed beverages, for capital outlay purposes, within the city system.

Section 3. All loans secured under this act shall be secured by the board of education. All loans shall be limited to an amount, whereby all interest and principal shall be paid back within fifteen years from the date the loan was made.

Section 4. In the event any such city board of education, at any future time, should no longer have available to it revenues derived from the sale of malt or brewed beverages, any outstanding indebtedness as the result of unpaid loans secured under this act shall be paid from any future capital outlay money that would have normally gone to that district on a per-pupil basis, until such debt is paid.

Section 5. Capital outlay as stated in this act shall mean it is an expenditure for land or existing buildings, improvement of grounds, construction of buildings, additions to buildings, remodeling of buildings or initial or additional equipment.

Section 6. All laws or parts of laws in conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon it being signed by the Governor or it otherwise becoming law.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (S), Mims, Noonan, Owen, Pearson, Perry, St. John, Shelby, Stewart, Torbert, Waldrop, Wilson.

—25

*Nays:*

—0

And said Bill, S. B. 1170, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (S), Mims, Noonan, Owen, Pearson, Perry, Powell, St. John, Shelby, Stewart, Torbert, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 423. To amend further Act No. 421, H. 627 of the Regular Session of 1959 (Acts 1959, p. 1113) as amended, which authorizes the district attorney of the Fifth Judicial Circuit to appoint a stenographic secretary, so as to adjust the compensation of such secretary.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Givhan, Jones, Little, McDonald (S), McMillan, Mims, Mitchell, Noonan,

Owen, Pearson, Perry, Roberts, St. John, Shelby, Torbert, Waldrop, Wilson.

—25

*Nays:*

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**The Bill:**

H. 780. To amend Section 3.06 of Act No. 404, S. 430, 1953 Regular Session (Acts of 1953, p. 472), as amended, entitled "An Act To permit any city in the State of Alabama having a population of more than thirty thousand and not exceeding thirty-three thousand according to the last or any succeeding federal census to adopt the council-manager form of municipal government, to provide for the calling and holding of elections to vote thereon, to provide for the election and term of the first council, to define the legal status, form of government and powers of the city, to provide for subsequent elections of members of the council, their number and their terms of office, to provide for the qualification, powers and authority of the council, the mayor and the city clerk, and for the election of the mayor and city clerk, to provide for the appointment and removal and to define the powers of the city manager, to provide for an annual budget, its preparation, submission, adoption and effect, to create and define the powers and duties of a department of finance and of the director thereof, to regulate purchases and contracts of the city, and to define their powers and authority, to set up the terms and effects of succession in government of any city adopting the council-manager form of government, to provide for the establishment and re-establishment of wards, to make various other provisions for such form of government of any such city, and to provide for the means of abandoning the council-manager form of government," so as to provide that candidates for the post of council member may also run for the designated post of mayor, with the candidate receiving the greatest number of votes being automatically designated mayor for a four-year term.

Was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Givhan, Jones, King, Little, McDonald (A), McDonald (S), Mitchell, Owen, Pearson, Perloff, Powell, Roberts, St. John, Stewart, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

**The Bill:**

H. 917. To authorize any county governing body in the Sixth Judicial Circuit to furnish to the office of District Attorney necessary personnel, equipment and supplies.

was taken up.

Mr. Shelby offered the following substitute for the Bill, H. B. 917, to-wit:



## SUBSTITUTE FOR H. B. 917

A BILL  
TO BE ENTITLED  
AN ACT

To amend Act No. 91, S. 70, of the 1975 Third Special Session of the Legislature of Alabama to provide for secretarial, legal, clerical or administrative assistants for each circuit judge of all judicial circuits composed of only one county having a population of not less than 110,000 nor more than 160,000 according to the most recent federal decennial census; and to fix the term of office and prescribe the pay for such assistants; and to provide for the payment of the salaries of such assistants out of the general fund of the county composing said circuits.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 91, S. 70, of the 1975 Third Special Session of the Legislature of Alabama is amended to read as follows:

"An Act to amend Act No. 91, S. 70, of the 1975 Third Special Session of the Legislature of Alabama to provide for secretarial, legal, clerical or administrative assistants for each circuit judge of all judicial circuits composed of only one county having a population of not less than 110,000 nor more than 160,000 according to the most recent federal decennial census; and to fix the term of office and prescribe the pay for such assistants; and to provide for the payment of the salaries of such assistants out of the general fund of the county composing said circuits."

Section 2. Sections 1 and 2 of said Act No. 91, S. 70, are amended to read as follows:

"Section 1. In all judicial circuits of Alabama composed of only one county which has a population of not less than 110,000 nor more than 160,000 according to the most recent federal decennial census, each circuit judge shall be authorized to appoint one or more secretarial, legal, clerical or administrative assistants, either full time or part-time, all of whom shall serve at the pleasure of said judge, and the salaries of each shall be fixed by said judge appointing the same, provided, however, that the total salaries of such assistants shall not at any time exceed the sum of \$7,500.00 per annum."

Section 3. Section 3 of said Act No. 91, S. 70, is amended to read as follows:

"Section 3. The salaries of said assistants shall be payable in installments out of the general fund of the county composing such judicial circuit as other salaries are paid."

Section 4. The provisions of this Act are severable. If any clause, provision, or section is declared invalid or unenforceable, such declaration shall not affect the remaining portions of this Act.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), Mims, Mitchell, Noonan, Owen, Perloff, Perry, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

And said Bill, H. B. 917, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Shelby, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

The Bill:

H. 918. Relating to the compensation of the Legal Stenographer of the District Attorney of the Sixth Judicial Circuit, amending Act No. 657 of 1973 Regular Session of Legislature of Alabama.

was taken up.

Mr. Shelby offered the following substitute for the Bill, H. B. 918, to-wit:

#### SUBSTITUTE TO H. B. 918

#### A BILL TO BE ENTITLED AN ACT

Pertaining to the Sixth Judicial Circuit and relating to the compensation of the Legal Stenographer of the District attorney of the Sixth Judicial Circuit, amending Act No. 657 of the 1973 Regular Session of the Legislature of Alabama, and to the compensation of Bailiffs for the Sixth Judicial Circuit, amending Act No. 332 of the 1969 Regular Session of the Legislature of Alabama, and to the compensation of the official court reporters, amending Act No. 2085 of the 1971 Regular Session of the Legislature of Alabama.

Be It Enacted by the Legislature of Alabama:

SECTION 1. Section 3 of Act No. 657 of the 1973 Regular Session of the Legislature of Alabama shall be amended to read as follows:

“Section 3. When from time to time the Assistant Legal Stenographer of the District Attorney of the Sixth Judicial Circuit shall receive an increase in pay, or fringe benefits of any kind, then at the time the salary and benefits of the Legal Stenographer of the District Attorney of the Sixth Judicial Circuit shall be increased by the same amount. And, provided further that the total compensation received by the Legal

Stenographer of the District Attorney of the Sixth Judicial Circuit shall not be less than Fifty Dollars per month more than the salary received by the Assistant Legal Stenographer of the District Attorney of the Sixth Judicial Circuit."

SECTION 2. Section 1 of Act No. 332 of the 1969 Regular Session of the Legislature of Alabama shall be amended to read as follows:

"Section 1. That for the Sixth Judicial Circuit of Alabama, each Circuit Judge shall have the power and authority to appoint one Bailiff who shall receive a salary of Twelve Thousand (\$12,000) Dollars per annum and which salary shall be payable in twelve equal monthly installments out of the county treasury of the county composing such circuit upon warrant of the presiding officer of the governing body of such county. Each such Bailiff shall serve at the pleasure of the Judge so appointing him. The Bailiffs appointed by such Judge hereunder shall be in lieu of Bailiffs provided by any other law of Alabama."

SECTION 3. Section 1 of Act No. 2085 of the 1971 Regular Session of the Legislature of Alabama shall be amended to read as follows:

"Section 1. The official Court Reporters for the Sixth Judicial Circuit of Alabama, shall each receive as compensation the sum of \$10,200.00 per annum payable in twelve equal monthly installments out of the general fund of the county composing such circuit, which compensation shall be in addition to all compensation now or hereafter payable to such Court Reporters by the State of Alabama."

SECTION 4. All laws or parts of laws which conflict with this Act are hereby repealed.

SECTION 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Jones, King, Little, Littleton, McDonald (A), Mims, Mitchell, Noonan, Owen, Perry, Powell, Roberts, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

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*Nays:*

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And said Bill, H. B. 918, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Jones, King, Little, Littleton, McDonald (A), Mims, Mitchell, Noonan, Owen, Perry, Powell, Roberts, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

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**The Bill:**

H. 1198. To amend Act No. 2312, S. 1053, 1971 Regular Session (Acts 1971, p. 3734), entitled "An Act Relating to Choctaw County; to provide for the appointment of the County Superintendent of Education; to prescribe the qualifications, duties, term of office, and compensation of such offices; and to repeal all conflicting laws" relative to the compensation of the Superintendent of Education; and to repeal Section 5 of said Act No. 2312.

Was read a third time at length and passed.

Yeas 25; Nays 0.

**Yeas:**

Messrs. Adams, Bank, Fine, Flippo, Foshee, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

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**Nays:**

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**The Bill:**

H. 1471. To amend Act No. 2312, S. 1053, 1971 Regular Session (Acts 1971, p. 3734), entitled "An Act Relating to Choctaw County; to provide for the appointment of the County Superintendent of Education; to prescribe the qualifications, duties, term of office, and compensation of such offices; and to repeal all conflicting laws" relative to the compensation of the Superintendent of Education; and to repeal Section 5 of said Act No. 2312.

Was read a third time at length and passed.

Yeas 25; Nays 0.

**Yeas:**

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, McDonald (S), McMillan, Mims, Mitchell, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

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**Nays:**

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**MESSAGE FROM THE HOUSE****Mr. President:**

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 899. Relating to the regulated loan business; providing for regulation, examination, investigation, and licensing of individuals, firms, and corporations engaged in the business of making regulated loans and for the suspension and revocation of licenses issued hereunder for specified reasons; prescribing maximum rates of interest and other charges for loans; providing for the administration and enforcement of the Act,

prescribing penalties, providing for the proper repeal of existing laws, including Section 18 (f) of Act No. 2052, S. B. 122 of the Regular Session of 1971, approved October 1, 1971, relating to loans over \$300.00 and Act No. 374, H. B. 102 of the Regular Session of 1959, approved November 6, 1959, relating to the small loan business and Act No. 159, H. B. 233, approved June 23, 1945 (General Acts of Alabama, 1945, page 200), relating to the small loan business and providing for regulation of the same.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

### REPORTS OF COMMITTEES

Mr. Foshee, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Crowe, et al (With Substitute):

H. 821. Relating to the State Personnel Board; to increase the number of members on said board from three to five; providing for the selection, appointment, term of office and compensation of the additional two members.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. St. John (With Substitute):

S. 915. To amend Act No. 811, H. 243, 1973 Regular Session [Acts 1973, p. 1236; now appearing in Code of Alabama, Recompiled 1958, Title 46, Sections 64 (2.01) to 64 (2.25)] known as the Auctioneers License Act, so as to exempt auctioneers selling certain types of property; to set a salary for the secretary of the state board; to make the state board financially self-sustaining; to provide further for examination procedure; to provide for licensing of non-resident auctioneers; and to authorize injunctions by the state board against the illegal actions of auctioneers.

Mr. Waldrop, Vice-Chairman of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Perloff (With Amendment):

S. 522. To require that employers in this state shall pay wages to all discharged or resigned laborers or other employees within twenty-four hours of termination of employment; and creating a cause of action for any

such discharged or resigned employee whose employer fails to comply with the above mentioned requirements, and providing for payment of penalty wages by an employer who violates the requirements of this act.

By Mr. King (With Amendment):

S. 252. To authorize the Alabama Department of Labor to provide a program of volunteer compliance services whereby businesses will be provided with information necessary to comply with standards, rules, and regulations of the Occupational Safety and Health Administration (OSHA), to consult and advise employers and employees as to the effective means of preventing occupational injuries and illnesses, and encourage employers and employees to achieve and maintain safe and healthful workplaces; and for related purposes; to appropriate funds to provide such assistance and to comply with the requirements and regulations thereunder.

Mr. Waldrop, Vice-Chairman of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. McDonald (A) (With Substitute):

S. 764. To amend Section 213, Title 26, Code of Alabama 1940, as amended, relating to benefit eligibility conditions, so as to change the requirements for an unemployed individual to receive benefits.

Mr. Waldrop, Vice-Chairman of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Wilson:

S. 1169. To repeal Section 7 of Act No. 298, Senate 341, Regular Session 1943 (Acts 1943, p. 252) as amended, relating to labor and known as the "Bradford Act."

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Peagues:

H. 88. To amend Sections 1, 6 and 9 of Act No. 217, Senate 23, page 259, Volume 1, Acts of Alabama 1967, enacted at the 1967 Special Session of the Legislature of Alabama, as amended, relating to competitive bidding and the expenditure of public funds; to authorize cooperative purchasing among local purchasing agencies.

By Messrs. Vacca and Ellis:

S. 739. To provide that all former lieutenant governors and their unremarried widows shall be entitled to certain retirement benefits to be paid at the end of each month out of the state's general fund subject to certain qualifications as herein specified and to repeal all conflicting statutes.

By Mr. Brindley, et al:

H. 816. To name a certain building at Snead State Junior College.

By Messrs. Sasser and Folmar:

H. 1230. To name the bridge across the Pea River on County Road 77 between Pike and Barbour Counties the Samuel Kirke Adams Bridge.

By Messrs. Ford, Taylor and Brindley:

H. 1574. To name three buildings on the Gadsden State Junior College Campus.

By Messrs. Shelton, Burgess, Merrill and Quarles:

H. 832. To name the library at White Plains High School of Calhoun County for Mr. Eston R. Cobb.

By Messrs. Shelton, Burgess, Merrill and Quarles:

H. 831. To name the gymnasium at DeArmanville Junior High School of Calhoun County for Hugh D. Carter.

By Messrs. Baker, Smith (M), Whatley and Turnham:

H. 1559. To designate and name certain buildings at the Chat-tahoochee Valley Community College.

By Messrs. Smith (C), Clark and Moore (W):

H. 556. To amend Section 6, as amended, and Section 7 of Act No. 27, S. 30, Regular Session 1949 [Acts 1949, p. 39-42 now appearing in Code of Alabama, Recompiled 1958, Title 55, Sections 133 (1) and 140 (1) [entitled "An Act To prescribe further regulations governing the publication of the acts and journals of the Legislature; imposing additional duties upon the Secretary of the Senate, the Clerk of the House, and Legislative Reference Service, and prescribing penalties for neglect of duty; super-seding Sections 125, 126, 127, 129, 130, 131, 133, 134, 140, 141, 142, 143, and 144 of Title 55 of the Code of Alabama (1940)"] so as to change certain procedures relating to the printing, publication and distribution of the acts and journals of the legislature and to repeal conflicting statutes.

By Messrs. Campbell, Manley and McCorquodale:

H. 902. To name the new student union building at Livingston University "The George C. Wallace Union Building."

By Messrs. Waggoner, Biddle, Gafford, White and Teague:

H. 434. To name and designate the physical education facility at The University of Alabama in Birmingham as The George C. Wallace Building.

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Gafford (With Substitute):

H. 390. Proposing an amendment to Article 4, Section 106 of the Constitution of Alabama to reduce the time required for publication of

notice of local legislation and also dispensing with the requirement of spreading notice and proof of local legislation on the journals of each house by providing that the Clerk of the House or the Secretary of the Senate shall merely certify in the appropriate journal that notice and proof was attached to the local legislation and is attached as a matter of public record to the original copy of the bill filed in the Department of Archives and History.

The above Bill was read a second time at length as required by the Constitution.

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Holley:

H. 1730. Naming a strip of road on U. S. Highway 84, beginning on the west abutment of the Pea River Bridge and running easterly to the city limits of Elba, Coffee County, Alabama "Cornelia Wallace Drive".

By Messrs. Martin, Carter, Moore (W), Drake, Roberts and Cross:

H. 1427. To name the new classroom building at John C. Calhoun State Community College the Bob Harris Building.

By Messrs. Martin, Carter, Moore (W), Drake, Roberts and Cross:

H. 1426. To name a classroom building housing Technical Drafting, Watch Repair, Cosmetology, and other subjects on the campus of John C. Calhoun State Community College the Noble J. Russell Building.

By Mr. Foshee:

S. 1140. Naming a strip of road on U. S. Highway 84, beginning on the west abutment of the Pea River Bridge and running easterly to the city limits of Elba, Coffee County, Alabama "Cornelia Wallace Drive".

By Mr. Littleton:

S. 691. To amend Act No. 777, House Bill 841, 1969 Regular Session, (1969 Acts, p. 1393), so as to provide for an increase in the salary of the Chief Examiner of Public Accounts and the salary of the Assistant Chief Examiner.

By Mr. Cooper, et al:

H. 638. An act relating to the development of small businesses; declaring the legislative intent to encourage state purchases from small businesses; requiring the Alabama Development office to assist small businesses and to otherwise coordinate activities relating thereto; providing that a meaningful percentage of state purchases and contracts be procured from small businesses; providing for interagency cooperation; providing for public hearings; requiring an annual report; authorizing appointment of an advisory council; providing an effective date.

By Mr. Drake, et al:

H. 1393. To amend Act No. 811, H. 243, 1973 Regular Session [Acts 1973, p. 1236; now appearing in Code of Alabama, Recompiled 1958, Title 46, Sections 64 (2.01) to 64 (2.25) ] known as the Auctioneers License Act,



so as to exempt auctioneers selling certain types of property; to set a salary for the secretary of the state board; to make the state board financially self-sustaining; to provide further for examination procedure; to provide for licensing of non-resident auctioneers; and to authorize injunctions by the state board against the illegal actions of auctioneers.

By Mr. Gilmore:

S. 970. To amend Sections 2, 7 and 18 of Act No. 997, H. 400 Regular Session 1973 (Acts 1973 p. 1510) relating to the practice of public accounting so as to prescribe further qualifications for members of the State Board of Accountancy, to make written registration applicable to licensed accountants instead of public accountants and to further prescribe penalties.

By Mr. Gilmore:

S. 909. To provide for a system of uniformity of motor vehicle color combination, badges and uniforms for the sheriffs and deputy sheriffs of the various counties within the state; simulation prohibited; providing for penalties.

By Mr. Mims:

S. 856. To amend further Section 6 of Act No. 343, H. 71, 1957 Regular Session (Acts of 1957, p. 452; now appearing in Code of Alabama, Recompiled 1958, as Title 55, Section 499) to require that notices of invitations for bids by the State of Alabama be sent to each county probate judge for posting in each county courthouse in Alabama.

By Mr. McMillan:

S. 846. To amend further Act No. 533, Acts of Alabama, 1957 Regular Session, page 750, entitled "An Act To create a Board to be known as the State Board of Registration for Foresters; to provide for the qualification of members of said Board; to provide for the appointment of the members of said Board; to provide for their terms of office; to provide for the organization of said Board; to provide for the powers and duties of said Board; to provide for the registration of Foresters; to provide for the recording of licenses; to provide for the definition of the practice of Forestry; to provide for the revocation of licenses; to provide for fees for the issuance and recording of such licenses; to provide for reciprocity; to create a special fund to be known as the 'Professional Foresters Fund,' and to regulate expenditures therefrom; to repeal all laws in conflict with this Act; and to make an appropriation," as amended by Act No. 141, Acts of Alabama, 1961 Special Session, page 2082; by Act No. 1051, Acts of Alabama, 1969 Regular Session page 1965; and by Act No. 1202, S. 107, 1973 Regular Session (Acts of 1973, p. 2020); so as to provide for an increase in the registration fee for a license and the annual renewal fee for licenses.

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said committee in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar to-wit:

By Mr. Powell (With Substitute):

S. 1049. To Amend Act No. 168 (H. 270) Special of 1966, as

amended (Article 8A, Title 55, Code of Alabama as Recompiled and Amended) relating to the Alabama Historical Commission revising the responsibilities of the agency.

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said committee in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Jones:

S. 980. To amend Act No. 1038, H. 1005, Regular Session 1973 (Acts 1973, p. 1572), an act establishing the Military Code for the State of Alabama and relating to the actions to be allowed against officers and enlisted men on account of and in connection with military duties.

By Mr. Jones:

S. 977. To amend Section 85 of Act No. 1038, H. 1005 1973 Regular Session, (Acts of 1973, p. 1572, now appearing in Section 185 (85) of Title 35, Code of Alabama Recompiled 1958), so as to require all but certain persons performing essential services to yield the right of way on streets and highways to portions of the armed forces of the State of Alabama and of the United States and to provide a penalty for failure to do so.

By Mr. Pegues, et al:

H. 1493. To name the new Cahaba River Bridge in Perry County the Walter C. Givhan Bridge.

Mr. McDonald (S), Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Foshee:

S. 1060. To create the Scholarship and Loan Commission of Covington County for the purpose of providing loans and scholarships to persons who plan a career in medicine, and to establish a fund for the fulfillment of the purpose of this Act.

By Mr. Fohsee:

S. 1061. To authorize the county governing bodies of the State of Alabama to create scholarship and loan commissions of the various counties for the purpose of providing loans and scholarships for persons who plan a career in medicine, and to establish a fund for the fulfillment of the purpose of this Act.

Mr. Littleton, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Coburn and Goodwin:

H. 858. To provide for supplementing the salaries or compensation paid to retired or supernumerary circuit judges in the Thirty-First Judicial Circuit.

By Messrs. Shelton, Burgess, Merrill and Quarles (with notice and proof):

H. 1401. To provide for the City of Piedmont in Calhoun County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the city; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

By Mr. Clark:

H. 1534. Relating to all counties having populations of 10,660 inhabitants or less according to the most recent federal decennial census, to provide an additional expense allowance for the circuit clerk and register.

By Messrs. Clark and Robertson (with notice and proof):

H. 1750. To amend Sections 4 and 5 of Act No. 171 enacted at the 1965 Regular Session of the Legislature of Alabama to provide that of the proceeds from Pickens County sales and use taxes levied thereby the first \$120,000 in each fiscal year shall be paid over to Pickens County Hospital Association and used by it solely for paying the costs of acquiring, constructing, equipping, operating, and maintaining a new public hospital facility in or near the Town of Carrollton, Alabama, that one-half of the remainder of said proceeds from said taxes shall be paid over to the Pickens County Hospital Association for the operation and maintenance of such new public hospital facility, and that one-half of the remainder of said proceeds from said taxes shall be paid over to the Pickens County Commission for use by it for public health purposes; to order an election in Pickens County on the question of whether Pickens County Hospital Association should consolidate public hospital facilities and services in such county through the closing of the existing hospitals at Aliceville and Reform and the construction and equipment of a new public hospital facility in or near the Town of Carrollton, Alabama; and to provide that this Act shall become effective only if a majority of those voting at said election vote in favor of the consolidation of such public hospital facilities and services.

By Messrs. Clark and Robertson (with notice and proof):

H. 1751. To authorize the governing body of Pickens County, Alabama, to call an election in said county for the purpose of determining whether or not the said governing body of Pickens County may levy an additional privilege or license and excise and sales tax equalling one-half of one cent and paralleling, with like provisions in Pickens County, such State taxes as are levied by the State of Alabama by Sections 752 through Section 811 and Articles 10 and 11 of Chapter 20 of Title 51 of the Code of Alabama of 1940 and the amendments thereto; providing for the collection thereof; and providing that one-half of the revenues arising from any levy made by said governing body of said county under authority of this act shall be paid to the Pickens County Hospital Association for the operation and maintenance of public hospitals in said county and the remaining one-half of such revenue shall be paid to the Pickens County Commission for use by it for public health purposes in said county.

By Mr. Stewart (with notice and proof):

S. 1177. To provide for the City of Oxford in Calhoun County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the city; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

## BILLS ON THIRD READING RESUMED

The Bill:

H. 815. To amend further Title 46, Sections 71 and 73, Code of Alabama 1940, relating to the state licensing board for general contractors; so as to increase the amount of the funds deposited in the state treasury to the credit of such licensing board that the board may retain, and increase application and renewal fees.

Was read a third time at length and passed.

Yeas 20; Nays 1.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (S), McMillan, Mitchell, St. John, Shelby, Torbert, Waldrop.

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Nay: Mr. Stewart.

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The Bill:

S. 1162. To regulate and control the sale of alcoholic beverages in Madison County, Alabama; to authorize the City of Triana in said County to license, regulate, and control the sale of alcoholic beverages within the corporate limits and the police jurisdiction thereof; to provide that the Council or other governing body of the City of Triana, in Madison County, shall have the power to suspend or revoke any retail liquor or malt or brewed beverage license issued by said city; to provide for the reclassification of existing retail malt and brewed beverages and retail liquor licenses; to provide that nothing herein shall relieve any licensee from complying with all of the laws of the State of Alabama and the rules and regulations of the Alcoholic Beverage Control Board of the State of Alabama pertaining to said licensee; to provide that licensees have all required food handling permits from the Madison County Department of Public Health; to provide for the revocation and suspension of licenses for certain violations; to regulate the hours of retail liquor and retail malt or brewed beverage establishments within said County; to provide for the prompt reporting of all assaults, assault and batteries, affrays, and other altercations occurring upon licensed premises.

was taken up.

Mr. McDonald (A) offered the following substitute for the Bill, S. B. 1162, to-wit:

## SUBSTITUTE FOR S. B. 1162

A BILL  
TO BE ENTITLED  
AN ACT

To regulate and control the sale of alcoholic beverages in Madison County, Alabama; to authorize the City of Triana in said County to regulate and control the sale of alcoholic beverages within the corporate limits and the police jurisdiction thereof; to provide for the reclassification of existing retail malt and brewed beverages and retail liquor licenses; to

provide that nothing herein shall relieve any licensee from complying with all of the laws of the State of Alabama and the rules and regulations of the Alcoholic Beverage Control Board of the State of Alabama pertaining to said licensee; to provide that licensees have all required food handling permits from the Madison County Department of Public Health; to regulate the hours of retail liquor and retail malt or brewed beverage establishments within said County; to provide for the prompt reporting of all assaults, assault and batteries, affrays, and other altercations occurring upon licensed premises; and providing for penalties.

**Be It Enacted by the Legislature of Alabama:**

Section 1. It shall be unlawful for any person, firm, corporation, or association to sell or offer for sale any spirituous or vinous liquors in Madison County except at Alabama Alcoholic Beverage Control Liquor Stores, and at retail liquor establishments located within the corporate limits of the City of Triana in Madison County and licensed by the general laws of the State of Alabama, unless the sales of such spirituous or vinous liquors are otherwise allowed by local law.

Section 2. It shall be unlawful for any person, firm, corporation, or association to sell or offer to sell any malt or brewed beverages in Madison County, Alabama, except licensees of the Alcoholic Beverage Control Board of the State of Alabama located within the city limits or the police jurisdiction of an incorporated municipality thereof. Provided, however, that any wholesaler, distributor, or jobber, or retailer licensed to sell malt or brewed beverages shall also be authorized to sell draft beer provided said draft beer shall not be held for sale or sold in containers exceeding a maximum capacity of 288 ounces. The limitation herein stated on the maximum capacity of draft beer containers shall not apply however at any time the general law of the State allows draft beer to be sold or held for sale in larger or unlimited size containers.

Section 3. The Council or other governing body of the City of Triana, in Madison County, is hereby authorized to adopt and enforce such ordinances to govern the sale of spirituous or vinous liquors and malt or brewed beverages as may, from time to time, be deemed necessary or desirable, which ordinances and rules and regulations may include any provision or regulation concerning the operation of same as could be lawfully passed by the Legislature of the State of Alabama, including but not limited to such matters as the regulation or prohibition of live entertainment, minimum requirements for the service of food, and separation of establishments from other retail businesses, trades, or professions; however, the sales of spiritous or vinous liquors between the hours of 2:00 o'clock a.m. Sunday and 10:00 o'clock a.m. Monday is hereby expressly prohibited; and provided the Council shall have authority to impose fines not to exceed \$1000 and/or imprisonment in city jail for a term not to exceed 30 days.

Section 4. On or before November 1, 1975, the governing body of the City of Triana shall classify all retail liquor and malt or brewed beverage licenses then authorized within such municipality, according to their eligibility for a license under the laws of the State of Alabama and the rules and regulations of the Alcoholic Beverage Control Board of the State of Alabama, which said classification shall immediately be filed with the Alcoholic Beverage Control Board of the State. No license for the license year beginning October 1, 1975, and thereafter, shall be issued by the Alcoholic Beverage Control Board for the State for the renewal of an

existing license, or for the establishment of any new license unless the same complies in all respects with the eligibility and classification requirements of the laws of the State of Alabama and the rules and regulations of the Board.

Section 5. Nothing herein shall relieve any licensee from complying with all of the laws of the State of Alabama and the rules and regulations of the Alabama Alcoholic Beverage Control Board pertaining to such licensee. The authority herein granted to the City of Triana, in Madison County, shall be cumulative and shall not relieve or suspend any other power held by said city under the general laws of the State concerning the regulation and control of alcoholic beverages, nor shall this act be held to restrict the powers of the cities and towns in this State under the municipal laws of the State.

Section 6. No applicant for a retail liquor license shall be deemed eligible for a license under this act until and unless it is the holder of all required permits from the Madison County Department of Public Health. No establishment shall be eligible for such license unless the same meets the minimum requirements of the Fire Prevention Codes of the State of Alabama and of the incorporated municipality in which it is located.

Section 7. It shall be unlawful for any malt or brewed beverage licensee, or for any restaurant or hotel liquor licensee within Madison County to sell or offer for sale any alcoholic beverages, or to allow the consumption of same, on the licensed premises between the hours of 2:00 a.m. and 10:00 a.m. The governing bodies of each incorporated municipality within Madison County shall have the authority to further restrict the hours of operation of any retail malt or brewed beverage licensee, and of any retail liquor licensee located within their jurisdiction.

Section 8. It shall be the duty of each officer, owner, manager, or person in charge of any retail liquor or retail malt or brewed beverage licensed premises in Madison County to immediately make an appropriate report by telephone to the Police Department of the municipality in which the premises are located and to the Madison County Sheriff, of each assault, assault and battery, affray occurring on the licensed premises, while said person is in charge thereof and while said premises are open for business. It shall further be the duty of said person to make a written report of each said incident to the Police Department of the municipality and to the Madison County Sheriff within 36 hours. Failure to make either of said reports shall be grounds for revocation or suspension of the license by the Alabama Alcoholic Beverage Control Board for the operation of said establishment.

Section 9. It shall be the duty of each retail liquor and malt or brewed beverage licensee in Madison County to keep prominently posted, in view of the customers or patrons of such establishment, the price of each drink or beverage offered or sold by said establishment, and it shall be unlawful for any person to operate any such establishment at any time such prices are not so posted. A current price list printed upon the regular menu of a retail restaurant liquor licensee or, of an on-premise beer license, or upon a special menu regularly available at the tables to customers and patrons of said licensee shall be held to comply with this requirement.

Section 10. All laws and parts of laws in conflict with this act are repealed.

Section 11. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, King, McDonald (A), Mims, Mitchell, Noonan, Owen, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—25

*Nays:*

—0

And said Bill, S. B. 1162, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Bank, Clemon, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, King, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert.

—25

*Nays:*

—0

#### CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. McDonald (A), further consideration of the Bill, H. B. 1081, was indefinitely postponed by the Senate.

#### BILLS ON THIRD READING RESUMED

The Bill:

H. 1278. Relating to Lawrence County; to provide that a certain percentage of the proceeds accruing to the Alabama Department of Aeronautics from any rental or lease agreement covering certain lands in said county shall be deposited to the Lawrence County general fund; requiring all such leases to be let on a competitive bid basis.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, H. B. 1278, to-wit:

#### COMMITTEE AMENDMENT TO H. B. 1278

Amend House Bill No. 1278 Page 1 Line 22, by inserting "located in Lawrence County" after the word "lands".

Which was adopted.

Yeas 21; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Givhan, Jones, King, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—21

*Nays:*

—0

And said Bill, H. B. 1278, as thus amended, was then read a third time at length and passed.

Yeas 23; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Givhan, Jones, King, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Pearson, Perry, St. John, Shelby, Stewart, Torbert, Vacca.

—23

*Nays:*

—0

The Bill:

S. 170. To amend Section 30, Title 55, Code of Alabama 1940, which sets forth the duties and powers of the State Fire Marshal by granting to the Fire Marshal, and his deputies, full powers of peace officers.

was taken up.

The Standing Committee on Insurance reported the following amendment to the Bill, S. B. 170, to-wit:

#### COMMITTEE AMENDMENT TO S. B. 170

Amend S. 170 by deleting the phrase "Section 2" as it appears on line 28 of page 1.

Further amend S. 170 by deleting the numbers "3", "4", and "5" as they appear on lines 25, 31, and 35 of page 2, respectively, and substitute instead "2", "3", and "4" on said lines 25, 31, and 35, respectively, of page 2.

Which was adopted.

Yeas 20; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Gilmore, Givhan, Jones, King, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, St. John, Shelby, Torbert, Vacca.

—20

*Nays:*

—0

And said Bill, S. B. 170, as thus amended, was then read a third time



at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Ellis, Fine, Gilmore, Givhan, Jones, King, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, St. John, Torbert, Vacca, Waldrop.

—20

*Nays:*

—0

The Bill:

S. 164. To establish within the Department of Insurance a Receivership Division, to provide for the management thereof and to enumerate the duties, responsibilities and authority to be conferred thereon.

having been postponed on the Fourteenth Legislative Day, was again taken up.

Mr. Flippo offered the following amendment to the Bill, S. B. 164, to-wit:

#### AMENDMENT TO S. B. 164

Amend S. 164 line 31 by striking the period following the word "commissioner", adding a comma and the following, "except that said compensation shall not exceed that of the highest said division chief in the Insurance department under the merit system". And delete the last sentence of section 1.

Which was adopted.

Yeas 23; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Flippo, Gilmore, Givhan, Jones, King, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—23

*Nays:*

—0

And said Bill, S. B. 164, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Flippo, Gilmore, Givhan, King, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Powell, St. John, Stewart, Torbert, Vacca, Waldrop.

—22

*Nays:*

—0

The Bill:

S. 1041. To amend Section 9 of Act 1938, Regular Session 1971 which Act relates to the inspection of mobile homes by the State Fire Marshal so as to increase inspection fees, original fees, and to provide for appropriation of funds to the State Fire Marshal.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 1041, to-wit:

SUBSTITUTE FOR S. B. 1041

A BILL  
TO BE ENTITLED  
AN ACT

To Amend Section 9 of Act 1938, Regular Session 1971 which Act relates to the inspection of mobile homes by the State Fire Marshal so as to increase inspection fees, original fees, and to provide for appropriation of funds to the State Fire Marshal.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9 of Act No. 1938, Acts of Alabama 1971, approved September 20, 1971, is hereby amended to read as follows:

"Section 9. Fees and Charges.

A. A license to sell to licensed dealers or to the public of this State shall be for \$100.00 original fee and the renewal fee shall be \$100.00 per annum renewable by the first day of each calendar year.

B. A fee of ten (\$10.00) dollars shall be paid for each seal issued to any manufacturer as provided in the Act.

C. All fees shall be paid to the State Fire Marshal to provide necessary revenue for the enforcement of this Chapter. All fees collected under the provisions of this Chapter, or otherwise inuring to the credit of the Fire Marshal, shall be deposited in the State Treasury in a fund to be designated as the "State Fire Marshal's Fund", which fund is hereby established. All balances in said fund in excess of two hundred thousand dollars (\$200,000) at the end of each fiscal year shall be transferred to the State General Fund. The expenses incurred by the State Fire Marshal in carrying out the provisions of this Act, together with the compensation of employees required to enforce this Act, shall be paid from this fund, and the amount necessary to meet these expenses and salaries is hereby continuously appropriated from such fund."

Section 2. This Act shall become effective immediately upon its approval by the Governor or upon its otherwise becoming a law, provided, however, that all increases in licenses and seal fees shall become effective October 1, 1975.

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flipppo, Gilmore, Givhan,

Jones, King, Littleton, McDonald (S), McMillan, Mims, Mitchell, Owen, Powell, St. John, Stewart, Torbert, Vacca.

—21

*Nays:*

—0

Mr. Flippo offered the following amendment to the Bill, S. B. 1041, as amended by the substitute, to-wit:

AMENDMENT TO S. B. 1041, AS AMENDED

Amend Senate Bill No. 1041 as Sub. Page 2 Line 19, by striking out 200,000 after the word "excess of", and inserting the amount \$50,000.00 and further amend by striking everything in Section 1C after the word "fund" on line 23 and adding a period.

Which was adopted.

Yeas 24; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Fine, Flippo, Foshee, Gilmore, Givhan, King, Little, Littleton, McDonald (A), McMillan, Mitchell, Owen, Perloff, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca.

—24

*Nays:*

—0

And said Bill, S. B. 1041, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Givhan, Little, Littleton, McDonald (A), McMillan, Mitchell, Owen, Perloff, Perry, Powell, St. John, Shelby, Torbert, Vacca.

—21

*Nays:*

—0

The Bill:

S. 576. To amend Section 19 of Title 51 of the Code of Alabama 1940 to provide for capital improvements and maintenance at the Confederate Memorial Park located at Mountain Creek, Chilton County, thereby indicating respect for the resting place of valiant Confederate soldiers.

was taken up.

Mr. King moved that further consideration of the Bill, S. B. 576, be postponed until the Thirty-second Legislative Day. On motion of Mr. Littleton, the motion to postpone was laid on the table.

Yeas 16; Nays 5.

*Yeas:*

Messrs. Adams, Bank, Ellis, Fine, Foshee, Gilmore, Givhan, Littleton, McMillan, Mitchell, Owen, Perloff, Powell, Stewart, Vacca, Wilson.

— 16

*Nays:*

Messrs. Baker, Edwards, Flippo, King, St. John.

— 5

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, S. B. 576, to-wit:

#### COMMITTEE AMENDMENT TO S. B. 576

Amend Senate Bill 576 in Section 1, "Section 19 (b), line 35, by striking the words "two per cent" and adding in lieu thereof the words "one per cent".

Which was adopted.

Yeas 19; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Givhan, Jones, King, Littleton, McMillan, Owen, Perloff, Powell, Stewart, Torbert, Vacca.

— 19

*Nays:*

— 0

Mr. King offered the following amendment to the Bill, S. B. 576, as amended, to-wit:

#### AMENDMENT TO S. B. 576, AS AMENDED

Amend Senate Bill No. 576 Page 1, as follows:

Change Line 9 to read "this bill takes  $\frac{1}{2}$  of 1% of the money allocated" and Line 35 to read "the assessed value of taxable property of which  $\frac{1}{2}$  of 1% . . ."

On motion of Mr. Littleton, said amendment was laid on the table.

And said Bill, S. B. 576, as amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 17; Nays 2.

*Yeas:*

Messrs. Adams, Bank, Foshee, Gilmore, Givhan, Jones, Littleton, McMillan, Mims, Owen, Perloff, Powell, St. John, Shelby, Stewart, Torbert, Vacca.

— 17

*Nays:* Messrs. Baker, King.

— 2

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 358. To authorize the charging of a "convenience fee" in the amount of 25 cents on the sale of any hunting or fishing licenses sold in Morgan County by any special agent who sells hunting or fishing licenses in the City of Decatur under authority granted pursuant to the provisions of Act No. 628, H. 351, p. 1082, Acts of Alabama, 1951 Regular Session of the Alabama Legislature; prescribing penalties for the violation of the provisions of this act.

Also:

H. 660. To name the gymnasium at George C. Wallace State Community College after Mrs. Annie Lee Cherry.

Also:

H. 59. To amend Section 333, Title 52, Code of Alabama, which provides for the charging of an application fee for teachers' certificates and earmarks the use of said fees; and further provides for the repeal of Section 350 of the same title which provides for the disposition of fees paid by the applicants for teachers' certificates.

Also:

H. 1139. Relating to the fifteenth judicial circuit, providing for two additional judicial circuit judges for such circuit, and creating a civil and a criminal division for said circuit.

Also:

H. 1311. Relating to the twentieth judicial circuit; providing for an additional circuit court judge in such circuit and prescribing the duties, authority, and compensation of such judge; establishing the family court division of such circuit; prescribing the jurisdiction of the family court division and providing for selection, appointment, qualifications, tenure, and compensation of officers and administrative and clerical personnel; abolishing special courts having jurisdiction of juveniles and domestic relations cases.

Also:

H. 412. To further amend Sections 1, 2, 4, 6 and 8 of Act No. 46, H. 36, Legislature of 1955, 2nd Spec. Session, approved April 6, 1955 (Acts of 1955, p. 152), an Act to regulate the sale of eggs by requiring inspection, grading and accurate labeling of eggs, said Act being amended by Act No. 531, S. 336, Legislature of 1955, Regular Session, approved September 9, 1955 (Acts of 1955, p. 1179) and by Act No. 194, H. 39, Legislature of 1961, Spec. Session, approved September 15, 1961 (Acts of 1961, p. 2167); amend said Sections 1, 2, 4, 6 and 8 of said Act No. 46, as amended, said amendments relating to definition of terms in said Act, labeling information on containers in which eggs are sold or offered for sale; inspection fee payments levied upon the sale of eggs and to abolish such levy; and further relating to the permit required of retail and wholesale egg dealers; and exemptions from the requirements of said Act.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Reed:

**H. J. R. 324. CREATING THE JOINT CONTINUING PRISON AND PENAL SYSTEM STUDY COMMITTEE.**

WHEREAS the federal courts have recently ordered sweeping changes and upgrading in the Alabama prison and penal system; and

WHEREAS Alabama is facing an absolute crisis situation in its prison system; and

WHEREAS there is great need for an in-depth, continuing and on-going study committee to be created by the legislature whose duty it shall be to make a most detailed study of the prison and penal system in this state and make recommendations to the legislature in regard thereto; now therefore

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That there is hereby created a joint continuing select committee to study the penal and prison system in this state which shall be composed of four members of the House and three members of the Senate to be appointed by the presiding officer of each house. The members of the committee shall elect from among their membership a chairman and a vice chairman.

The committee shall make a detailed and in-depth study of all facets of the prison and penal system in this state together with such facets of the criminal justice system in this state as are pertinent thereto. In conducting its study and investigation the committee shall especially study the housing, feeding, clothing, health care, discipline, education, rehabilitation, violence control procedures and any deviations therefrom in the Alabama prison and penal system. The committee may also study any other phase of prison problems and prison life which the committee may deem to be pertinent and of importance to the committee's search for information and knowledge.

The committee shall inform itself and keep abreast of all suits in the state and federal courts regarding the penal system and shall give particular emphasis with the implications and results that will arise from any court orders issued on behalf of or against the authorities of the Alabama prison and penal system.

The committee shall have subpoena power and the power to punish for contempt of a committee of the legislature. Upon the request of the

chairman or a majority of the members, the Secretary of the Senate and the Clerk of the House shall provide such clerical and other assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature from time to time throughout its existence. This committee shall continue to exist during the current term of the present legislature.

Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee or travels about the state on committee business not to exceed \$10,000 for the duration of this committee which shall be paid out of any funds appropriated to the use of the legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 324, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Gregg:

H. J. R. 296. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Clerk of the House and the Secretary of the Senate be and are authorized to pay the postage for all official mailings by the members of the House and the Senate.

BE IT FURTHER RESOLVED, That nothing of a personal or political nature can be mailed in such manner.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 296, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Rich, Roberts, Clark and McMillan:

H. J. R. 347. PROVIDING FOR CONTINUATION OF THE JOINT COMMITTEE TO STUDY ALABAMA'S "SUNDAY CLOSING LAW."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Joint Interim Committee created to study Alabama's "Sunday Closing Laws," created by Act No. 133, H. J. R. 116, shall continue in existence and shall continue its work as directed in said Act No. 133. The committee shall make a report to the legislature on the first day of the regular 1976 session, and upon the filing of its report shall thereupon be dissolved.

BE IT FURTHER RESOLVED, That the committee members shall be entitled to their usual legislative per diem and expenses for attending meetings of the committee and holding hearings in various parts of the state when the legislature is not in session. Such per diem and expenses shall be paid from funds heretofore appropriated for the payment of the expenses of the legislature, but in no event shall the amount so expended exceed \$2,000.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H. J. R. 347, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### BILLS ON THIRD READING RESUMED

#### The Bill:

S. 254. To amend Section 12 of Act No. 1038, H. 1005, 1973 Regular Session, approved September 10, 1973, creating a uniform military code and a uniform code of military justice for the State of Alabama, so as to exempt from the operation of the privilege or license tax and registration fee levied on automobiles and motor vehicles by the State of Alabama, one passenger vehicle owned by any officer, warrant officer, or enlisted person serving as an active member of any United States armed forces reserve or organization, who meet certain requirements of residence in Alabama.

was taken up.

Mr. Stewart offered the following amendment to the Bill, S. B. 254, to-wit:

#### AMENDMENT TO S. B. 254

Amend Senate Bill No. 254, by inserting after the word organization wherever it appears in the titles and body of the bill the following: And disabled veterans

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Givhan, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, St. John, Shelby, Stewart, Torbert, Vacca.

—22

Nays:

—0



And said Bill, S. B. 254, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Owen, Perloff, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca.

—27

*Nays:*

—0

On motion of Mr. Ellis, unanimous consent was granted to add his name as co-sponsor of the above Bill.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Turnham and Mitchem:

H. 1529. To amend Act No. 300, H. 321, Legislature of 1973, the General Appropriations Act, of the two fiscal years ending September 30, 1974 and September 30, 1975 by amending the provisions of said Act appropriating funds for fire ant control; and, to make an appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1975.

Also:

By Messrs. Falkenburg, Roberts, Johnson, White and Smith (C):

H. 1291. To create in the State of Alabama a "Joint Advisory Board of Family Practice" to further the supply of competent family physicians; to provide for the Board's membership number and selection; and to establish the duties and authorities of the Advisory Board.

Also:

By Messrs. McCulley and Crowe:

H. 658. To amend Section 25 of Act No. 1, Regular Session 1945 (Acts of Alabama 1945, p. 1), by increasing the permit fee for oil and gas wells and to provide for the disposition of permit fees, penalties and publication fees in the Oil and Gas Fund.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B. 1529. To the Committee on Finance and Taxation.

H. B. 1291. To the Committee on Health and Welfare.

H. B. 658. To the Committee on Rules.

#### REPORT OF COMMITTEE ON CONFERENCE ON SENATE BILL 887

We, the committee on conference appointed to reconcile the difference of the two houses concerning the House amendments for Senate Bill 887, have met in conference, considered the matter in conference, and have agreed to the following report:

Amend Senate Bill 887 as amended by the House by striking therefrom the following:

"Senate Bill 887 is hereby amended by inserting the following in substitution for subsection (1) of Section 17, beginning on line 25 of page 23:

Should the Commission determine that any final order made by it under the procedure set forth in Section 16, not then the subject of judicial review, or should the Commission determine that any provision of this Act is being violated by any operator, then the Commission may cause to have instituted a civil action in any court of competent jurisdiction for injunctive or other appropriate relief to prevent any further or continued violation of such final order. Any person who violates any provision of this Act or any rule or regulation adopted pursuant to this Act or any final order of the Commission shall be liable for a civil penalty or up to \$10,000 for each day of said violation."

and substituting therefor the following:

"Senate Bill 887 is hereby amended by inserting the following in substitution for subsection (1) of Section 17, beginning on line 25 of page 23:

'In the event of a willful failure of the Commission to act on any complaint filed pursuant to Section 16 of this Act, the Attorney General of the State of Alabama may institute such action against the Commission, including mandamus, as may be appropriate to compel the commission to discharge the duties conferred upon it by this Act, which Act shall be instituted in the Circuit Court having jurisdiction of the county in which the offense alleged in such complaint occurred.'

Further amend Senate Bill 887 as amended by the House by striking therefrom the following:

"Senate Bill 887 is hereby amended by inserting the following after subsection (b) of Section 20, beginning on line 3 of page 26:

(c) within five hundred (500) yards of Smith Lake, Little River Canyon, and within the boundaries of any State park or National forest."

and insert in lieu thereof:

"Senate Bill 887 is hereby amended by inserting the following after subsection (b) of Section 20, beginning on line 3 of page 26:

“(c) within 1000 feet of the spillway elevation of Smith Lake Dam,

1000 feet of the rim of Little River Canyon, and within the boundaries of any state park."

L. D. OWENS, JR.

ROBERT T. WILSON

RONNIE G. FLIPPO

Conferees on the part of the Senate

JACK BIDDLE III

ROBERT T. CROWE

KERRY RICH

Conferees on the part of the House

### CONFERENCE REPORT

On motion of Mr. Wilson, the Senate concurred in and adopted the foregoing Report of the Committee on Conference appointed to reconcile the differences of the two Houses on the House amendment to the Bill:

S. 887. To establish a system of regulation and control of coal surface mining and reclamation; a declaration of public policy and legislative intent; a section defining key provisions of this act; the creation and establishment of the Alabama Surface Mining Reclamation Commission with powers and authority; establishes necessity of licenses and qualifications for obtaining licenses, and provides for permits with a right to surface mine and proper application therefor; requires a reclamation plan and map; provides for removal of certain facilities; establishes blasting regulations and setback requirements; sets application fees, bond of operator, insurance requirement, sufficiency of surety, cancellation by surety and suspension of operator's permit; provides for posting of lands; provides for entry upon lands for inspection; provides for reporting of certain information by certain purchasers of coal and provides penalties for the failure to comply; provides for confidentiality of certain records; establishes violations, administrative procedures, procedure for appeals from orders of the Commission, provides for legal remedies, enforcement provisions; and penalties; establishes the Alabama Surface Mining Reclamation Fund; provides for citizens' suits; provides for rule making procedures; provides saving and conforming provisions and establishes the effective date and orderly transition to said new act and repeals the Surface Mining Act of 1969 (Act 399 Regular Session) as to regulation of coal surface mining only; provides for approval of certain coal leases; provides for severability; sets effective date of the act.

Yeas 27; Nays 3.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perloff, Perry, St. John, Shelby, Torbert, Vacca, Wilson.

—27

*Nays:* Messrs. King, Roberts, Stewart.

—3

## BILLS ON THIRD READING RESUMED

The Bill:

H. 300. To provide a definite statute of limitations in liability actions; to eliminate the ad damnum clause in complaints alleging liability; to define the duty of care; to require warranties of cure to be in writing; to prevent advance payments from being considered admissions of liability. In lieu of the scintilla rule, to require evidence of substantial weight and provative effect in medical liability actions; to provide for periodic payments of awards in medical liability actions; to authorize the Insurance Commissioner to establish a joint underwriting association and to provide rules for such joint underwriting association; to provide for voluntary arbitration of disputes; and to require insurance carriers to report claims and costs incurred to the Insurance Commissioner.

was taken up.

Mr. Baker offered the following amendment to the Bill, H. B. 300, to-wit:

## AMENDMENT TO H. B. 300

Amend H. B. 300 so as to delete or strike §14 on page 17 in its entirety and renumber all succeeding Sections.

On motion of Mr. Bank, said amendment was laid on the table.

Yeas 18; Nays 8.

*Yeas:*

Messrs. Bank, Ellis, Fine, Foshee, Gilmore, Givhan, Jones, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Powell, St. John, Torbert, Vacca.

—18

*Nays:*

Messrs. Adams, Baker, Edwards, King, Mitchell, Perloff, Shelby, Stewart.

—8

Mr. Baker then offered the following amendment to the Bill, H. B. 300, to-wit:

## AMENDMENT TO H. B. 300

Amend H. B. 300 as follows:

On page 16, Section 11, delete subsection (3) in its entirety and insert in lieu thereof the following:

(3) If the plaintiff should die before payment of all said award period from the date of the award, the same income shall be paid to the beneficiary of the plaintiff for the remainder payments due.

Mr. St. John moved that said amendment be laid on the table, which motion was lost.

Yeas 6; Nays 19.

*Yeas:*

Messrs. Bank, Givhan, Littleton, Roberts, St. John, Waldrop.

—6

*Nays:*

Messrs. Adams, Baker, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, King, Little, McMillan, Mitchell, Noonan, Powell, Shelby, Stewart, Torbert, Vacca.

—19

And said amendment was then adopted by the Senate.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Owen, Powell, St. John, Shelby, Stewart, Torbert, Vacca.

—25

*Nays:*

—0

Mr. Baker then offered the following amendment to the Bill, H. B. 300, as amended, to-wit:

AMENDMENT TO H. B. 300, AS AMENDED

Amend H. B. 300 as follows:

On page 16, Section 11, delete in its entirety subsection (4) on lines 5 through 8.

Which was adopted.

Yeas 23; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Givhan, Jones, King, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Owen, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—23

*Nays:*

—0

Mr. Baker then offered the following amendment to the Bill, H. B. 300, as amended, to-wit:

AMENDMENT TO H. B. 300, AS AMENDED

Amend §6 of H. B. 300 on page 4, lines 24 and 25, and on page 5, lines 1 through 9, by deleting §6 in its entirety and renumber all succeeding Sections.

On motion of Mr. Bank, said amendment was laid on the table.

Yeas 17; Nays 8.

*Yeas:*

Messrs. Bank, Fine, Foshee, Gilmore, Givhan, Jones, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Powell, St. John, Vacca, Waldrop.

— 17

*Nays:*

Messrs. Adams, Baker, Edwards, Flipppo, Perloff, Shelby, Stewart, Torbert.

— 8

Mr. Baker then offered the following amendment to the Bill, H. B. 300, as amended, to-wit:

#### AMENDMENT TO H. B. 300, AS AMENDED

Amend H. B. 300 as follows:

On page 5, Section 6, line 2, after the words "in the" strike the words: "same general neighborhood," and insert in lieu thereof the following:

State of Alabama generally

and on line 6, strike the word "community" and insert in lieu thereof the words:

State of Alabama

On motion of Mr. Bank, said amendment was laid on the table.

Yeas 18; Nays 8.

*Yeas:*

Messrs. Bank, Fine, Foshee, Gilmore, Givhan, Jones, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, Owen, Powell, St. John, Torbert, Waldrop.

— 18

*Nays:*

Messrs. Adams, Baker, Edwards, Flipppo, Perloff, Roberts, Shelby, Stewart.

— 8

Mr. Baker then offered the following amendment to the Bill, H. B. 300, as amended, to-wit:

#### AMENDMENT TO H. B. 300, AS AMENDED

Amend §4 of H. B. 300 on page 4, lines 6 and 7, by deleting the words "of law relating to the computation of statutory periods of limitations."

Which was adopted.

Yeas 23; Nays 0.

*Yeas:*

Messrs. Baker, Bank, Edwards, Fine, Flipppo, Foshee, Givhan, Jones, King, Little, Littleton, McDonald (S), McMillan, Mims, Noonan, Perloff, Powell, Roberts, St. John, Stewart, Torbert, Vacca, Waldrop.

— 23

*Nays:*

— 0

Mr. Baker then offered the following amendment to the Bill, H. B. 300, as amended, to-wit:

#### AMENDMENT TO H. B. 300, AS AMENDED

Amend H. B. 300 as follows:

On page 16, Section 12, on line 16, after the word "may" insert the word

not

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (S), McMillan, Mims, Noonan, Powell, Roberts, St. John, Shelby, Torbert, Vacca, Waldrop.

— 25

*Nays:*

— 0

Mr. Baker then offered the following amendment to the Bill, H. B. 300, as amended, to-wit:

#### AMENDMENT TO H. B. 300, AS AMENDED

Amend H. B. 300 as follows:

On page 14, Section 8, Subsection (1), after line 9 insert the following words:

After advise of legal counsel as evidenced by a statement from said counsel attached to such agreement, and on line 10 strike the word "Any" and insert in lieu thereof any

On motion of Mr. McMillan, said amendment was laid on the table.

Yeas 19; Nays 8.

*Yeas:*

Messrs. Bank, Ellis, Fine, Foshee, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Noonan, Owen, Powell, St. John, Torbert, Vacca, Waldrop.

*Nays:*

Messrs. Adams, Baker, Edwards, Flippo, Mitchell, Perloff, Shelby, Stewart.

—8

Mr. Torbert offered the following amendment to the Bill, H. B. 300, as amended, to-wit:

AMENDMENT TO H. B. 300

Amend House Bill No. 300 Page 14 Line 7, by striking out "may arise" and inserting in lieu thereof the words "has arisen".

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (S), McMillan, Noonan, Owen, Perloff, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—25

*Nays:*

—0

Mr. Stewart offered the following amendment to the Bill, H. B. 300, as amended, to-wit:

AMENDMENT TO H. B. 300, AS AMENDED

Amend House Bill 300, page 2, line 34, by striking out "any licensed nursing home" after the word "hospital".

Which was adopted.

Yeas 24; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Givhan, Jones, King, Little, Littleton, McDonald (S), McMillan, Mitchell, Noonan, Owen, Perloff, Powell, St. John, Shelby, Stewart, Torbert, Vacca.

—24

*Nays:*

—0

Mr. Shelby offered the following amendment to the Bill, H. B. 300, as amended, to-wit:

AMENDMENT TO H. B. 300

Amend House Bill No. 300 Page 17, by striking out Section 14 and by inserting the following:

Section 14. The scintilla of evidence rule is hereby expressly preserved.



## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Manley, Cates, Callahan, McCorquodale, Warren, Crawford, Edwards, Jackson (F), Plaster, Crowe, Carter, McMillan, McCulley, Hines, Kinsey, Sasser, Mitchem, Cross, Kelley, Owens and Whatley:

H. 1634. To amend Section 46, Title 51, Code of Alabama 1940, relating to the assessment of taxes so as to further provide for estimating the value of taxable property.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 1634. To the Committee on Finance and Taxation.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 681. Relating to Jefferson County; prohibiting service and execution of subpoenas and warrants issued for nonmoving traffic violations during certain hours, and repealing conflicting laws.

Also:

H. 853. To provide further for the compensation of the chief deputy sheriff in counties having populations of 600,000 or more according to the most recent federal decennial census; and to provide for retroactive effect.

Also:

H. 1191. To alter, rearrange and extend the boundaries and corporate limits of the Town of Trafford in Jefferson County, Alabama, so as to annex certain territory to the town.

Also:

H. 1190. To alter, rearrange and extend the boundaries and corporate limits of the Town of Trafford in Jefferson County, Alabama, so as to annex certain territory to the town.

Also:

H. 986. To amend Section 138, Title 62, Code of Alabama of 1940 (originally enacted as Local Act No. 462 of the 1939 Regular Session of the Legislature of Alabama, approved September 15, 1939, and subsequently reprinted as Section 138, Title 62, of the 1958 Recompiled Code of Alabama), as heretofore amended by Act No. 193 of the 1965 Regular

Session of the Legislature of Alabama, approved July 30, 1965, to increase the Law Library Tax in each civil or quasi civil action at law, suit in equity, criminal case, quasi criminal case, proceeding on a forfeited bail bond, or proceeding on a forfeited bail bond given in connection with an appeal from a judgment of conviction in any inferior court or municipal court to the Circuit Court hereafter filed in, arising in, or brought by appeal, certiorari, or otherwise to the Circuit Court of Jefferson County, Alabama, except in the Bessemer Division thereof, from one dollar (\$1.00) to two dollars (\$2.00); to provide that the Law Library Tax in each criminal case hereafter filed in any statutory inferior court in Jefferson County, Alabama, except in the Bessemer Division thereof, shall be fifty cents (\$.50); and to increase the Law Library Tax in each civil case hereafter filed in any statutory inferior court in Jefferson County, Alabama, except in the Bessemer Division thereof, where the amount claimed in the complaint exceeds one hundred dollars (\$100.00) from twenty five cents (\$.25) to fifty cents (\$.50), and where the amount claimed is one hundred dollars (\$100.00) and less, from ten cents (\$.10) to twenty cents (\$.20), said increases to be effective on the first day of the second calendar month next following its passage by the Legislature of Alabama and its approval by the Governor of Alabama, or its otherwise becoming a law.

Also:

H. 1317. To amend Act Number 453 of the 1967 Regular Session of the Legislature of Alabama (1967 Acts of Alabama, Page 1129, et seq.), entitled "An Act to create in each city of the State of Alabama having a population of three hundred thousand or more according to the last and any subsequent Federal census a pension and relief fund for officers and employees of the Library board of such city and for the widows and dependents of such officers and employees, to provide for a custodian of such fund and to provide for the investment, protection, management and distribution of such fund by a board of managers created for such purpose, "To make such act applicable in each city of the State of Alabama having a population of two hundred and fifty thousand or more, to increase benefits payable from such fund to qualified employees upon disability or retirement, to limit loans from such fund to qualified employees, to increase the size of the board of managers of such fund, and to give the library board of such city the option to expand the coverage of such fund to additional employees and to provide for credit for prior service to qualified employees by extending creditable time.

Also:

H. 802. To further amend Act No. 556 of the Regular Session of the Legislature of Alabama of 1959 (Ala. Acts, 1959, p. 1376), as heretofore amended, which Act established a Pension and Relief or Retirement and Relief System for firemen and policemen who are members of any Pension and Relief System heretofore or hereafter established under Act No. 929 of the Regular Session of the Legislature of 1951 (Ala. Acts 1951, p. 1579), as amended, which 1951 Act established a Pension System for officers and employees of each city of the State having a population of 250,000 or more, according to the last federal census.

Also:

H. 82. To name the new music building at Troy State in honor of Dr. John M. Long.

Also:

H. 551. To regulate the operation of livestock markets in Alabama by requiring such markets to procure a permit issued by the Commissioner of Agriculture and Industries and to be bonded for the payment of their obligations; to authorize the revocation or cancellation of such permit under certain conditions together with the amount of the permit fee and the amount of bonds required; to require livestock markets to maintain physical standards of construction for safe and sanitary keeping and handling of livestock to prevent the spread of livestock diseases; to impose requirements or prohibitions with respect to the sale of livestock at public auction or otherwise; to require livestock markets to keep records of the receipt and sale of livestock with respect to the identity of livestock and furnish bills of sale to buyers; to authorize the adoption of rules and regulations to carry out the provisions of this Act; to require livestock markets to carry fire and windstorm insurance; to prescribe a penalty for violations including injunctive proceedings; and to repeal conflicting laws and fix a date on which said Act shall become effective.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 1453. To adjust the salary of Circuit Clerks in all counties of 600,000 population or more, according to the last or any subsequent Federal Census, to the end that the salary of such Clerks shall be increased by the same percentage as the salaries of other county employees of such counties have theretofore been increased; to provide further for supernumerary status for such Clerks of the Circuit Courts of such counties who have served no less than twenty-five years as such Circuit Clerk and who are not less than sixty-five (65) years of age and to fix the salary and method of payment for such supernumerary Circuit Clerks; to provide further for the transfer to the county general fund of moneys held in any county retirement system for the benefit of any Circuit Clerk who elects to come under the provisions of this Act.

Also:

H. 72. Relating to Lawrence County, abolishing the fine and forfeiture fund of Lawrence County and providing that all monies now in the fine and forfeiture fund or hereafter collected for such fund shall be paid into the general fund of such county and that all claims due or to become due from the fine and forfeiture fund shall be paid from the general fund of the county; providing that witness certificates obtained as a

state's witness before the grand jury or the circuit court, county court or other inferior court in which a criminal prosecution is pending shall be paid from the general fund on presentation; providing that all monies now held or hereafter collected as witness fees for state's witnesses in the circuit court, county court or other inferior court shall be paid on collection into the general fund of the county.

Also:

H. 74. Relating to Lawrence County; to provide an additional expense allowance for the coroner.

Also:

H. 75. To amend further Section 1 of Act No. 62, H. 325, Regular Session 1959, as last amended, regulating the meetings of the county board of education of Lawrence County, so as to provide further for the compensation and allowances of the board members.

Also:

H. 100. Relating to counties having not less than 16,600 nor more than 16,950 population, according to the most recent Federal Decennial Census; to provide an additional clerk-hire allowance for the Judge of the Winston County Court of Law and Equity, Winston County, Alabama, and to provide for the payment of same.

Also:

H. 101. Relating to counties having not less than 16,600 nor more than 16,950 population, according to the most recent Federal Decennial Census; to provide for the hiring of two (2) new Deputies and to provide for the payment of their salaries.

Also:

H. 104. Relating to Russell County; requiring any county official who maintains a fiduciary fund under the provisions of Title 58, Sections 30 through 38 or any other statutory provisions which provide for the keeping of fiduciary funds, to remove any monies which have been in the fiduciary fund for a period of ten years or more, and to credit such funds to the county treasury to be expended by the county governing body for any and all purposes.

Also:

H. 105. Providing that the Probate Judge of Russell County shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications for voter registration at any time the probate office is open for business.

Also:

H. 106. Relating to Russell County, providing for the hiring of two additional deputies and one county jail matron to be appointed by the sheriff, and providing salaries therefor.

Also:

H. 107. To provide for an increase in the compensation of the bailiffs of the circuit court of the 26th judicial circuit.

Also:

H. 111. Relating to Russell County; to provide for the employment of clerks, secretaries, and clerical assistants to perform duties in the county offices located in the county courthouse and to provide for the employment of jailers for the county jail; and to provide for the salaries of all such employees.

Also:

H. 131. To alter, rearrange and extend the boundary lines and corporate limits of cities having a population of not less than 5,550 nor more than 5,700 inhabitants that lie within counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census.

Also:

H. 132. Relating to Blount County; to provide further for the costs and charges in criminal cases in any court of the county.

Also:

H. 160. To amend Section 5 of Act No. 790, H. 1817, Regular Session 1973 (Acts 1973, p. 1203) establishing the office of Warrant Magistrate in Madison County so as to correct a reference to a certain Section of Title 15, Code of Alabama 1940.

Also:

H. 161. Relating to Conecuh County; to provide further for the distribution of any oil and gas severance tax paid to the governing body of Conecuh County.

Also:

H. 162. Relating to Conecuh County; to amend and reenact Act No. 143, H. 536, Regular Session 1969 (Acts of 1969, p. 415), which act provides for a pistol fee in said county, so as to provide that all monies collected from said act shall be deposited in the county treasury and earmarked for law enforcement purposes.

Also:

H. 243. Relating to Clarke County; authorizing the county commission of said county to provide data processing computerized services or other electronic systems, including micro-filming equipment, for the offices of the probate judge, tax assessor and the tax collector; to provide for the manner of procuring such services and equipment and for the payment therefor from the county general fund; to provide that all contracts made pursuant to the provisions of this act shall be exempt from any applicable statewide or local competitive bid law and shall be subject to the recommendation and approval of the probate judge of said county.

Also:

H. 244. To provide for a clerk or clerks in the offices of the Tax Collector and Tax Assessor of Clarke County, Alabama, and to fix the method and basis of the employment and compensation of such clerk or clerks, and to make such compensation payable out of the General Fund of said County.

Also:

H. 245. Relating to Clarke County; declaring motor vehicles, guns, rifles, ammunition and hunting equipment used in illegal nighttime deer hunting in the county to be contraband; and providing for the condemnation and sale thereof for the benefit of the state game and fish fund.

Also:

H. 254. Providing that the Probate Judge of Randolph County shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications for voter registration at any time the probate office is open for business.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 15. To provide that all former Governors of the State of Alabama upon reaching age sixty (60) shall be entitled to monthly retirement pay; that any former governor physically or mentally disabled while in office shall be entitled to receive his full salary after leaving office; all to be paid out of the General Fund of the State Treasury; repealing Act No. 304, H. 345, 1967 Regular Session (1967 Acts, p. 847; now appearing in Code of Alabama Recompiled 1958, Title 55, Section 172(2) ) and other conflicting provisions of law.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The foregoing Message from the House, relative to S. B. 15, containing the House amendment to the Bill, said amendment being in words and figures as follows, to-wit:

Amend line 30 of Senate Bill 15 as follows: strike out the words one full term or less and insert in lieu thereof the words who have served two or more full terms

was received.

## MESSAGE FROM THE HOUSE

Mr. President:

I have been directed by the House to request the Senate to return to the House for further consideration Senate bill:

S. 15. To provide that all former Governors of the State of Alabama upon reaching age sixty (60) shall be entitled to monthly retirement pay; that any former governor physically or mentally disabled while in office shall be entitled to receive his full salary after leaving office; all to be paid out of the General Fund of the State Treasury; repealing Act No. 304, H. 345, 1967 Regular Session (1967 Acts, p. 847; now appearing in Code of Alabama Recompiled 1958, Title 55, Section 172(2) ) and other conflicting provisions of law.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Littleton, the Senate acceded to the request of the House that the Bill, S. B. 15, the title of which is set out in the foregoing Message from the House, be returned to the House for reconsideration, and the Secretary was so directed.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 336. CONGRATULATING MCMILLAN LANE, COMMISSIONER OF AGRICULTURE AND INDUSTRIES, FOR HIS APPOINTMENT AS CHAIRMAN OF THE RURAL DEVELOPMENT COMMITTEE OF THE NATIONAL ASSOCIATION OF STATE DEPARTMENTS OF AGRICULTURE.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 255. Relating to Randolph County: providing further for the compensation of election officials.

Also:

H. 257. To amend the title and Section 2 of Act No. 476, H. 305, Regular Session 1973 (Acts 1973, p. 691), which act relieves the chief clerk of the probate judge of Chambers County of certain duties, so as to correct an error in a citation to a certain act.

Also:

H. 258. Relating to Chambers County; to authorize and permit persons who are drawing retirement from the state to be employed on a part-time basis by the county; to prescribe certain limitations thereon and to repeal conflicting statutes.

Also:

H. 259. Providing that the Probate Judge of Chambers County shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications for voter registration at any time the probate office is open for business.

Also:

H. 260. Relating to Chambers County; to regulate further the compensation of the coroner of Chambers County.

Also:

H. 269. Relating to all counties having a population of not less than 27,000 nor more than 27,900 inhabitants according to the most recent or any subsequent federal decennial census; to provide an additional expense allowance for the board of equalization.

Also:

H. 278. Relating to counties having populations of not less than 39,500 nor more than 41,500 inhabitants according to the most recent federal decennial census; to limit the liability of sheriffs for the acts of his deputies where he does not participate or where they do not act under his direction and control; to authorize the employment of an attorney out of county funds to advise and represent the sheriff.

Also:

H. 279. Relating to Limestone County; to empower the several district commissioners on the county commission or other like governing body to authorize the opening of any grave within their district for the interment services of deceased individuals and to repeal all conflicting statutes.

Also:

H. 344. Relating to Autauga County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in certain jails of the county, and providing for a rehabilitation board to supervise and administer the rehabilitation process of this Act; to provide further for the carrying out of the provisions of this Act; and to provide penalties for violation of this Act.



Also:

H. 528. To alter, rearrange and extend the boundary lines and corporate limits of the city of Ozark in Dale County.

Also:

H. 601. Relating to counties having a population of not less than 39,500 nor more than 41,750 inhabitants according to the most recent federal decennial census; to authorize private schools located in the largest municipality in such counties to participate in the recreation programs provided for by Act No. 527, H. 1330, Regular Session 1973 (Acts of 1973, p. 768), as amended, and to make the provisions of this Act retroactive.

Also:

H. 709. To authorize the county commission of Chambers County to provide for the relief of Wilma M. Atkinson because of property damage sustained to her automobile.

Also:

H. 718. Relating to Etowah County; to better secure the administration of the financial affairs of such county by vesting in the chairman and members of the county commission a direct and effective financial supervision over all county offices, departments, boards and agencies; to provide for the annual initiation and preparation of a balanced budget of all revenue and expenditures for the County General Fund, Road and Bridge Fund, Gasoline Fund, Public Highway and Traffic Fund, and other funds, including a tentative budget and hearings on the same before adoption of a final budget; to prohibit expenditures in excess of budgeted amounts, and to provide personal civil liability for any department head or other official in charge who violates such prohibition; to provide for proration to prevent an overdraft or deficit; to provide for lapsing of sums budgeted but not expended; to provide that the county commission shall have authority to hire a central purchasing agent in order to make possible the most efficient and economical means of expending county funds; to regulate the office of central purchasing agent and to provide penalties for violations to set the effective date of this act and to repeal conflicting laws.

Also:

H. 755. To amend further Section 4 of Act No. 1292, H. 1795, Regular Session 1971 (Acts of 1971, p. 2220), which act creates the office of commissioner of licenses in counties having a population of not less than 115,000 nor more than 150,000 inhabitants according to the most recent federal decennial census, so as to provide for the appointment of a deputy commissioner of licenses in such counties.

Also:

H. 756. Relating to counties having a population of not less than 115,000 nor more than 150,000 inhabitants according to the most recent federal decennial census, providing for the salaries of the deputy circuit clerk, the deputy tax assessor, the deputy tax collector, and the deputy license commissioner of such counties.

Also:

H. 765. To authorize the county commissions of all counties having populations of not less than 17,000 nor more than 20,000 to provide for the

relief of Dan Powell to pay for dentist bills incurred due to a broken tooth received while working for the county.

Also:

H. 811. Relating to Randolph County; providing for a stenographic secretary for the tax assessor and tax collector.

Also:

H. 812. To provide for the compensation of jurors in Randolph County.

Also:

H. 910. Pertaining to Madison County, to amend Act 608 of the 1973 Regular Session, which Act provides for the temporary release of certain prisoners in the County Jail for the purpose of obtaining and working at gainful employment, so as to provide for the payment to the County of a portion of the net earnings of said prisoners and for the utilization of funds derived therefrom.

Also:

H. 923. Relating to Russell County; to prescribe the civil jurisdiction and the trial tax rate of the Inferior Court; to provide for the compensation and expense allowances of the judge and constables presiding over said court; to provide that the clerk of the circuit court of said county shall also serve as the ex officio clerk of the Inferior Court and to repeal all conflicting statutes.

Also:

H. 941. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of McKenzie, in Butler County.

Also:

H. 965. To amend further Sections 4, 16, 24 and 26 and to amend and reenact Section 28 of Act No. 13, H. 118 of the 1947 Regular Session (Local Acts 1947, p. 7), as amended, which establishes for the municipality of Phenix City a pension and relief system for the benefit of firemen and policemen, so as to regulate further membership in, creditable service for and retirement under such system.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 1117. To provide further for solicitor's and district attorney's fees in the 26th Judicial Circuit; establishing a "District Attorney's Fund" and providing for its use and expenditure.

Also:

H. 1118. Relating to Russell County; to authorize the Russell County Commission to pay certain expenses incurred relative to certain investigations carried out by the District Attorney or Sheriff and to prescribe procedure for making such payments.

Also:

H. 997. To create an Industrial Development Authority for Calhoun County for the purpose of promoting industry and trade and the development of said county; to provide for the organization, powers, functions, duties and personnel of such Authority and to provide for the payment of the expenses of such Authority and for the compensation of its employees.

Also:

H. 1119. Relating to Russell County; to provide an expense allowance for the coroner in said county.

Also:

H. 1158. Relating to Dale County; providing additional compensation for the official court reporter of the Thirty-third Judicial Circuit, payable by the county.

Also:

H. 1170. Relating to Lauderdale County; to provide for the salary of the members of the Jury Commission.

Also:

H. 1212. Pertaining to Cullman County; to abolish the office of Register in Chancery of the Thirty-Second Judicial Circuit; to provide that the Circuit Clerk of said circuit shall henceforth perform the duties and functions of said Register; to provide that such change shall become effective on January 17, 1977; and establish the yearly salary for the Circuit Clerk.

Also:

H. 1216. To provide further for the expense allowance of certain county officers and officials of Cullman County.

Also:

H. 1229. Relating to all counties in the State of Alabama having a population of not less than 52,000 nor more than 52,500 according to the most recent federal decennial census; relieving the clerk and register of the circuit court of all such counties of the duty of subscribing for, taking, filing, causing to be bound, and kept in their respective offices, copies of daily and weekly newspapers published in the county.

Also:

H. 1234. To require every county in the state of Alabama having a

population of not less than 39,500 nor greater than 41,750 to provide a civil service merit system governing its law enforcement officers or to enter into an agreement for participation in the state merit system.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Smith (B), Riddick, Lutz and Albright:

H. 1802. To authorize the governing body of the City of Huntsville to place on the official ballot at any regular or special election called by the governing body for other purposes, an advisory vote on the question of whether or not any additional taxes proposed to be levied and earmarked by said governing body within the municipality should be levied; to provide that any such vote would not be binding on the governing body, but would be advisory only in nature; to repeal all laws or parts of laws in conflict herewith; and to provide an effective date for this act.

With notice and proof thereto attached and herewith exhibited as follows:

### STATE OF ALABAMA

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

### A BILL TO BE ENTITLED AN ACT

To authorize the governing body of the City of Huntsville to place on the official ballot at any regular or special election called by the governing body for other purposes, an advisory vote on the question of whether or not any additional taxes proposed to be levied by said governing body and earmarked for public school purposes within the municipality should be levied; to provide that any such vote would not be binding on the governing body, but would be advisory only in nature; to repeal all laws or parts of laws in conflict herewith; and to provide an effective date for this act.

Be It Enacted by the Legislature of Alabama:

Section 1. The Council or other governing body of the City of

Huntsville in Madison County shall have the authority, at its discretion to call for an advisory vote of the electors of the municipality on the question of whether or not additional taxes shall be levied by the governing body within the municipality and earmarked for public school purposes. Provided however, that the nature and amount of said additional taxes shall be described on the ballot, and further provided that any such advisory vote may be called for other purposes within the municipality.

Section 2. The results of any advisory vote called by the governing body of any municipality under Section 1 hereof shall not be binding upon the governing body and shall be advisory only in nature.

Section 3. All laws or parts of laws that conflict herewith are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA  
MADISON COUNTY

Before me, Opal H. Dilworth, a Notary Public in and for Said State and County, personally appeared Ida Mae Echols, known to me, who being by me first duly sworn, deposes and says she is Legal Advertising Manager of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on July 12, 19, 26 and 28, 1975.

IDA MAE ECHOLS,  
Legal Advertising Manager.

Sworn to before me this the 28 day of July, 1975.

OPAL H. DILWORTH,  
Notary Public.

My commission expires April 9, 1979.

Also:

By Mr. Lee:

H. 1726. To provide additional compensation for the official Court Reporters of all judicial circuits composed of only one county having a population of not less than 110,000 nor more than 150,000, according to the most recent federal decennial census.

Also:

By Messrs. Kinsey and McMillan:

H. 1762. Relating to counties having populations of not less than 57,000 nor more than 61,000 inhabitants according to the most recent federal decennial census; to prescribe additional license and fee requirements for area "annual all game hunting license", "annual small game only hunting license", "trip small game hunting license", "annual cast-net fishing license" "trip fishing license", and "annual game fishing license" for non-residents of this state; to provide for the deposit of funds in the county treasury and the use thereof; to prescribe penalties for violations of this act.

Also:

By Mr. Howard:

H. 1824. To amend Section 1 of Act No. 416, S. 396 Regular Session 1935 (Acts of 1935, p. 243) entitled "An act to authorize the Board of Revenue of Tuscaloosa County, Alabama, to levy and collect a privilege tax on all persons, Corporations, Co-partnerships, Companies, Agencies, Associations and Refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naptha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil" "fuel oil" or "crude oil", commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; To authorize said Board of Revenue of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax; To make provision for the distribution of the funds derived from said privilege tax; To prohibit any incorporated city or town in said County from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, on a quantity basis; To repeal the municipal privilege, excise and/or license taxes on gasoline, Woco-pep, or any other Motor fuel used by self propelled vehicles which may now be collected or levied by any incorporated city or town in said County; To provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; To repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective," so as to provide for the taxation of diesel fuel when such fuel is to be used in an internal combustion engine for the purpose of propulsion of a vehicle on public roads, streets, highways, ferries or bridges.

Also:

By Mr. Teague:

H. 1758. To provide for compensation for members of the jury commission in all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. B.'s 1802, 1726, 1762, 1824 and 1758. To the Committee on Local Legislation No. 1.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. White, Hall, Moore (O), Trammell, Waggoner, Falkenburg, Jolly and Armstrong:

H. 1490. Authorizing the governing body of any county having a population of 600,000 or more according to the last or any subsequent Federal decennial census to levy an additional privilege, license or excise tax of one-half cent ( $\frac{1}{2}\text{¢}$ ) per gallon on the sale, distribution, storage, withdrawal from storage, use or other consumption of gasoline in such county; providing for the collection and enforcement of the tax; requiring that two per cent (2%) commission or fee for collection shall be paid to the general treasury of said county, and requiring that the remaining revenues produced by such tax be held by the Probate Judge or License Inspector, if there be such a License Inspector, as agent for said county in a fund to be called The Health Contingency Fund from which sums shall be paid to the Health Department of such county pursuant to budget approval by the County Commission as the health budget control body for such county providing that such funds paid to the Health Department shall not total less than fifty per cent (50%) of such said Health Contingency Fund with the balance of such Health Contingency Fund not paid to the Health Department to be paid to the county for use by the county governing body for the construction and maintenance of streets, highways, roads, bridges, overpasses, underpasses, and parking facilities or for equipment, facilities, and traffic control services respecting the use thereof by motor vehicles, or for health, welfare, and other general purposes.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 1490. To the Committee on Local Legislation No. 2.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Hill and Greer:

H. 1795. Regulating through licensure the occupation of plumbing in Lauderdale County, Alabama; creating a board of plumbers examination and registration in such county for the purpose of examining and licensing master plumbers and journeyman plumbers; providing for the appointment and term of office of members of such board and prescribing the organization, powers and duties of the board; fixing standards for master and journeyman plumbers and prescribing examination and certification fees and authorizing their collection and disbursement; authorizing the revocation and renewal of such certifications and prescribing the procedures therefor; and providing penalties for violations of this Act.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF LAUDERDALE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

Regulating through licensure the occupation of plumbing in Lauderdale County, Alabama; creating a board of plumbers examination and registration in such county for the purpose of examining and licensing master plumbers and journeymen plumbers; providing for the appointment and term of office of members of such board and prescribing the organization, powers and duties of the board; fixing standards for master and journeyman plumbers and prescribing examination and certification fees and authorizing their collection and disbursement; authorizing the revocation and renewal of such certifications and prescribing the procedures therefor; and providing penalties for violations of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. DEFINITIONS AND SCOPE. This Act shall apply only in Lauderdale County, Alabama. "Plumbing," as used in this Act, is the installation, repair or replacement of pipes, fixtures, or other apparatus necessary either for supplying water or for removing liquid of waterborne waste. The term is also used to denote installed fixtures, drainage, vents, and water distribution systems. A "master plumber," within the meaning and for the purpose of this Act, shall be held to mean and to include any person, firm or corporation engaged in or proposing to engage in the business of contracting to do or superintending the installation of plumbing, either or both, but if such applicant for registration be an individual, he must either qualify himself to be a licensed master plumber or must continually keep in his active employ a duly registered and licensed master plumber, and if such licensee be a firm or corporation, at least one active member of such firm or corporation, must be a duly registered master plumber, actively and continuously connected with the conduct of said business.

A "journeyman plumber" within the meaning of this Act is any person, other than a master plumber, who engages in or works at the actual installation, alteration, repair and renovation of plumbing and who has successfully fulfilled the examination and requirements of the board.

Section 2. PURPOSE AND CONSTRUCTION. This Act shall be construed in furtherance of the purpose thereof, which is the promotion of the public safety, health and general welfare.

Section 3. PLUMBING EXAMINING BOARD. There is hereby created a board to be known as the board of plumbers examination and registration of the county. Said board shall consist of five members, each of whom shall be a citizen of the United States and a resident of the State of Alabama. Members of the board and their successors shall be appointed by the probate judge of the county, and shall hold office for terms of four (4) years or until their successors are appointed and qualified. They shall receive no compensation for their services as members of the Board. Two members shall be master plumbers as defined by this Act, two members



shall be journeyman plumbers as defined by this Act, and one member shall be the public health officer of the county.

**Section 4. MEETING OF THE PLUMBERS EXAMINING BOARD.** The Board shall hold its first meeting not later than forty (40) days following the effective date of this Act, and thereafter shall meet at such intervals as may be necessary for the proper performance of its duties, but in any case not less than once each year. The first meeting of the Board shall be at the county courthouse, and subsequent meetings shall be held at such places in the county as the Board shall direct. At the first meeting of the Board the Board shall elect one of its members as President of the Board and one of its members as Secretary-Treasurer, and shall designate their terms as such officers. Three (3) members of said Board shall constitute a quorum for the transaction of any business which may come before the Board.

**Section 5. DEPOSIT AND DISBURSEMENT OF FUNDS; BOND OF THE SECRETARY-TREASURER.** All fees collected hereunder by the Board shall be deposited by the Board in a depository approved by the probate judge of the county. Drafts shall be drawn upon such fund in accordance with the rules and regulations prescribed by the Board.

The Secretary-Treasurer of the Board shall, before entering upon the duties of his office, make and file with the probate judge of the county an official bond in the sum of Five Thousand Dollars (\$5,000.00), premiums on the same to be paid out of the funds of said Board, said bond to be executed by an approved surety company, qualified to do business in Alabama and acceptable to the probate judge.

**Section 6. EXAMINATION AND CERTIFICATION.** It shall be unlawful for any person, firm or corporation to do or perform or to contract, direct or superintend any plumbing within any incorporated city or town in Lauderdale County unless such person has first received a certificate of competency, hereinafter referred to as "certificate," and unless such certificate is in force and effect at the time such plumbing is done, directed or superintended; except as hereinafter provided.

It shall be the duty of the Board to examine and pass upon the qualification of every person who may apply for a journeyman plumber's certificate upon forms provided by the Board. Such applicant shall be examined, orally or in writing, upon the fundamentals of plumbing, the theory and practice of plumbing installation and construction, and the experience and ability of the applicant in practical plumbing installation and construction; and if such applicant be found to possess an accurate knowledge of the theory and correct practice of plumbing installation and construction, and sufficient experience and ability in plumbing installation and construction to safety and competently apply his knowledge and practice, the Board shall issue to him a certificate, upon his first paying all fees herein prescribed.

It shall be the duty of said Board to examine and pass upon the qualifications of every person who may apply for a master plumber's certificate upon forms provided by the Board. Such applicant for a master's certificate shall be examined as an applicant for a journeyman's certificate, as hereinabove required to be examined, and also upon his knowledge, training and ability, in the planning, laying out, and supervision of plumbing installation and construction work; and if such

applicant for a master's certificate be found to possess the qualifications hereinabove prescribed for issuance of a journeyman's certificate, and also sufficient knowledge, training, and ability to competently and safely plan, lay out and supervise plumbing installation and construction work, he shall be issued a master plumber's certificate by said board. The examination required of an applicant for a permit as a master plumber or journeyman plumber may be waived by the Board as to any person who furnishes satisfactory proof to the Board that he is a person of good moral character, and that he has been actively engaged as a master plumber or as a journeyman plumber, and duly licensed as such under the general laws of the State of Alabama, as the case may be, for at least two years, provided that such person files an application in writing for waiver with the Board, which application shall be accompanied by an affidavit giving the name or names of persons, firms or corporations, and the addresses thereof, by whom he has been employed, or for whom he has done plumbing work, during said two years of his engaging in said trade. And, provided, further, that said application be filed within six months after the passage of this Act. Except as herein provided in this section, no person shall be issued a certificate without passing the prescribed examination; provided, however, that a person after having passed said examination, shall not be required to take said examination thereafter in order to secure a certificate in subsequent years. At least four (4) examinations per year shall be conducted, at a time and place prescribed by the Board after reasonable notice thereof.

**Section 7. REEXAMINATION.** Any person who fails to pass an examination may, upon payment of the regular examination fee, be reexamined at any subsequent examination given by the Board.

**Section 8. EXAMINATION FEE.** Any person filing application to be examined as a master plumber, shall pay a fee of \$25.00; and any person filing application to be examined as a journeyman plumber, shall pay a fee of \$15.00. Said fees shall accompany the application and shall not be returnable.

**Section 9. ANNUAL CERTIFICATE FEES.** Before any person engages in the business of master plumber, he shall secure an annual master plumber's certificate for which he shall pay a certificate fee of \$15.00. Before any person engages in the business of, or is employed as, a journeyman plumber he shall secure an annual journeyman plumber's certificate for which he shall pay a fee of \$5.00. The certificates provided for herein shall be issued by the Board upon the payment of the prescribed fees. All annual certificates shall expire on December 31 of the year in which they are issued. The certificate fees herein prescribed shall be in addition to all privilege or license taxes otherwise levied.

**Section 10. TEMPORARY CERTIFICATE.** The Board may issue a temporary revocable certificate to any person pending such person's examination for a certificate, if such person furnishes satisfactory proof that he holds a license or certificate to practice as a master or journeyman plumber in any state or county wherein plumbers are required to meet prescribed standards before engaging in the trade of master or journeyman plumber. Any such temporary certificate during the effective period thereof, shall have the force and effect of an annual certificate; but no such temporary certificate shall be effective for a period of more than ninety (90) days from the issuance thereof, or until the next examination whichever is longer. Prior to receiving any such temporary certificate, the applicant therefor shall be required to pay to the Board onehalf of the annual

certificate fee provided for master plumber or journeyman plumber, as the case may be.

**Section 11. REVOCATION OF CERTIFICATES.** The Board may revoke or suspend any certificate if obtained through concealment, misstatement or misrepresentation of any material fact in the application for such certificate, or for a willful violation of any law or ordinance pertaining to the business of the holder of such certificates. Before a certificate may be revoked the holder thereof shall have notice in writing, enumerating the charges against him, and be entitled to a hearing by the Board not sooner than five (5) days from receipt of notice. The holder of such certificate shall be given an opportunity to present testimony, oral or written, and right of cross examination and representation by counsel. All testimony shall be given under oath. The Board shall have power to administer oaths, issue subpoenas, and compel the attendance of witnesses.

The decision of the Board shall be based on the evidence produced at the hearing and made a part of the record thereof. Any person whose certificate has been revoked shall not be permitted to apply for a license for one year from the date of revocation.

Hearings shall be conducted by a hearing officer appointed by the Board. Said hearing officer may be a Board member or such other person as the Board may deem fit and proper to hold such hearing. The testimony adduced at said hearing, along with all other proceedings, shall be taken down by a competent stenographer and shall be preserved as a record of the Board and shall be open to the public inspection at all reasonable times. A copy of said record so adduced shall be furnished to each member of the Board, and no license shall be revoked unless a majority of the Board members concur with the revocation of same.

No license shall be issued to any licensee whose license shall have been revoked by the Board after such hearing until one year after the date of such revocation unless the licensee whose license was so revoked shall enter into a bond with good and sufficient surety in the penal sum of one thousand dollars (\$1000.00) to faithfully comply with the provisions of this Act and of all rules and regulations and codes adopted by the Board, provided, however, that such licensee whose license was so revoked may within five (5) days after such revocation appeal from the Board's decision or revocation to the circuit court of the county.

**Section 12. MASTER PLUMBER'S BOND.** In order, to protect the public from damages arising from plumbing or plumbing work failing to comply with the requirements of any state laws applicable thereto, or with the ordinances of any municipal corporation applicable thereto, it is hereby provided that before any person engages in the business of master plumber, he shall execute and deposit with the judge of probate in the county a bond in the sum of two thousand dollars (\$2000.00). Such bond shall be executed by a surety authorized and qualified to write surety bonds in the State of Alabama, and shall be approved by the probate judge. Such bond shall be conditioned upon all plumbing work done or supervised by such master plumber complying with the provisions of any laws or ordinances relating to plumbing and applicable thereto. Action on such bond may be brought against the principal and surety thereon in the name of, and for the benefit of, any person who suffers damages as a consequence of said master plumber's work not conforming to the requirements of any laws or ordinances pertaining to plumbing and

applicable thereto, provided, however, that the aggregate liability of the surety to all persons so damaged shall, in no event, exceed the sum of said bond.

**Section 13. WRONGFUL USE OF CERTIFICATE.** No person who has obtained a certificate shall allow his name to be used by another person, either for the purpose of obtaining permits, or doing business or work under his certificate; and every person certified shall notify the Board of the address of his place of business and the name under which such business is carried on, and shall give immediate notice to the Board of any change in either.

**Section 14. ACTS, WORKS AND CONDUCT PERMITTED, WITHOUT LICENSE.** The following acts, work and conduct may be performed by anyone, without license or certificate, provided, however, that all work and services herein named or referred to shall be subject to an inspection and approval in accordance with the terms of all state laws and applicable municipal ordinances:

(A) Plumbing work done by a property owner in or about a building owned or occupied by him so long as such plumbing does not necessitate tying into waste or sewer lines on the outlet side of a trap.

(B) Plumbing work done by anyone who is regularly employed or acting as a maintenance man or maintenance engineer incidental to and in connection with the business in which he is employed and engaged, provided said plumbing work is done on the premises of said employer, and such employee does not engage in the occupation of a plumber for the general public.

(C) Maintenance and reinstallation work done upon the premises or equipment of a railroad, other businesses or industry, by an employee thereof who does not engage in the occupation of a plumber for the general public.

(D) Plumbing work done by persons engaged by any public service company in the laying, maintenance and operation of its service mains or lines and the installation, alteration, adjustment, repair, removal and renovation of all types of appurtenances, equipment and appliances, provided such plumbing work does not necessitate tying into waste or sewer lines on the outlet side of a trap.

(E) Appliances or fixture installations and service work done in connecting appliances or fixtures to existing piping installations, including fixtures with builtin traps, provided, however, that no person other than a plumber defined by this Act shall be permitted to install traps, closet combinations or commodes.

(F) Any person may install water heaters provided, however, a permit has been obtained from the municipality for such installation where the same is required by municipal ordinance.

(G) Any person may install washing machines to existing piping installation or waste lines, provided such plumbing work does not necessitate tying into waste or sewer lines on the outlet side of the trap.

**Section 15. PENALTY.** Any person who is convicted of doing or committing any act prohibited hereby, or of failing or omitting to do any act required hereby or of knowingly and willingly make any false statement to the Board concerning his application to or examination by

the Board, with the intent to deceive, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$10.00 and not more than \$500.00 for each offense; and each day's violation shall constitute a separate offense.

Section 16. REPEAL OF INCONSISTENT LAWS. All laws, and parts of laws, whether general, special or local, in conflict with the provisions of this Act, are hereby repealed.

Section 17. If, for any reason, any clause, sentence, subsection, or section, or provision of this Act, or the application thereof to any person, body, situation or circumstance is held invalid or inoperative, the remainder of this Act and the application thereof to any other person, body, situation or circumstance shall not be affected thereby.

Section 18. This Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

### PROOF OF PUBLICATION

#### STATE OF ALABAMA COUNTY OF LAUDERDALE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Bill Harrison, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Advertising Manager of the Florence Times\*Tri-Cities Daily, a newspaper of general circulation published in Lauderdale County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on August 12, August 19, August 26, and September 2, all in the year 1975.

BILL HARRISON.

Sworn to and subscribed before me September 2, 1975.

WALLACE E. OWEN, JR.,  
Notary Public State at Large.

Also:

By Mr. Taylor:

H. 1796. Relating to all counties having a population of not less than 90,000 nor more than 100,000 inhabitants according to the most recent federal decennial census; to provide that the county commission or other like governing body of such counties shall authorize the payment of a certain conditional supplement to the county judge's salary; and to repeal all conflicting statutes.

Also:

By Messrs. Brindley and Jolly:

H. 1797. Relating to Blount County; to provide further for the compensation of the judge of the Law and Equity Court of Blount County.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF BLOUNT

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Blount County; to provide further for the compensation of the judge of the Law and Equity Court of Blount County.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to Blount County.

Section 2. The county governing body of Blount County is hereby authorized to give the judge of the Law and Equity Court of Blount County an additional expense allowance of three hundred dollars (\$300.00) per month to be paid out of the county general fund. Said expense allowance shall be in addition to any and all other expense allowances, salary and compensation provided by law.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Section 4. Should the compensation of such judge be increased as a part of the implementation of the statewide judicial system, the expense allowance herein provided shall expire.

PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF BLOUNT

Before me, the undersigned authority in and for said County in said State, this day personally appeared Mrs. Rice M. Howard, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was editor of the Southern Democrat, a newspaper of general circulation published in Blount County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on August 14, August 21, August 28, and September 4, all in the year 1975.

MRS. RICE M. HOWARD.

Sworn to and subscribed before me September 4, 1975.

JANE HILL,  
Notary Public.

Also:

By Mr. Mitchem:

H. 1747. To extend the boundaries of the City of Albertville in Marshall County.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To extend the boundaries of the City of Albertville in Marshall County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of Albertville in Marshall County, Alabama, are hereby altered, rearranged and extended so as to include within the corporate limits of said City, in addition to the lands now included, all of the following territory, to-wit:

Beginning at the Northeast corner of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 21, Township 9 South, Range 4 East; thence South one fourth ( $\frac{1}{4}$ ) mile to the Southeast corner of the Southeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 20, Township 9 South, Range 4 East; thence West one fourth ( $\frac{1}{4}$ ) mile to the Southwest corner of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 21, Township 9 South, Range 4 East; thence South one fourth ( $\frac{1}{4}$ ) mile to the Southeast corner of the Southeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 20, Township 9 South, Range 4 East; thence West one half ( $\frac{1}{2}$ ) mile to the Southwest corner of the Southwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 20, Township 9 South, Range 4 East; thence South one half ( $\frac{1}{2}$ ) mile to the Southeast corner of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 20, Township 9 South, Range 4 East; thence West one fourth ( $\frac{1}{4}$ ) mile to the Southwest corner of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 20, Township 9 South, Range 4 East; thence South one fourth ( $\frac{1}{4}$ ) mile to the Southeast corner of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 29, Township 9 South, Range 4 East; thence West one fourth ( $\frac{1}{4}$ ) of Section 29, Township 9 South, Range 4 East; thence South one fourth ( $\frac{1}{4}$ ) mile to the Southeast corner of the Southeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 30, Township 9 South, Range 4 East; thence West one half ( $\frac{1}{2}$ ) mile to the Southwest corner of the Southwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 30, Township 9 South, Range 4 East; thence North one half ( $\frac{1}{2}$ ) mile to the Northwest corner of the Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 30, township 9 South, Range 4 East; thence East one fourth ( $\frac{1}{4}$ ) mile to the Northeast corner of the Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 30, Township 9 South, Range 4 East; thence North one fourth ( $\frac{1}{4}$ ) mile to the Northwest corner of the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 19, Township 9 South, Range 4 East; thence East one fourth ( $\frac{1}{4}$ ) mile to the Northeast corner of the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 19, Township 9 South, Range 4 East; thence North one half ( $\frac{1}{2}$ ) mile to the Northwest corner of the Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 20, Township 9 South, Range 4 East; thence East one half ( $\frac{1}{2}$ ) mile to the Northeast corner of the Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 20, Township 9 South, Range 4 East; thence North one fourth ( $\frac{1}{4}$ ) mile to the Northwest corner of the Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 20, Township 9 South, Range 4 East; thence

East one fourth ( $\frac{1}{4}$ ) mile to the Northeast corner of the Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 20, Township 9 South, Range 4 East; thence North approximately three fourths ( $\frac{3}{4}$ ) mile to the Northwest corner of the Southeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 17, Township 9 South, Range 4 East; thence East one half ( $\frac{1}{2}$ ) mile to the Northeast corner of the Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 16, Township 9 South, Range 4 East; thence South approximately three fourths ( $\frac{3}{4}$ ) mile to the Southeast corner of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 16, Township 9 South, Range 4 East; also the point of beginning, all parts of the above description being in Marshall County, Alabama.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### PROOF OF PUBLICATION

#### STATE OF ALABAMA COUNTY OF MARSHALL

Before me, the undersigned authority in and for said County in said State, this day personally appeared Pat M. Courington, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Sand Mountain Reporter, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on April 3, April 10, April 17, and April 24, all in the year 1975.

PAT M. COURINGTON.

Sworn to and subscribed before me August 21, 1975.

PATRICIA DIANN SMITH,  
Notary Public.

Also:

By Messrs. Brindley and Jolly:

H. 1798. Relating to Blount County; to levy an excise and privilege tax on the severance of coal in said county; to provide for the collection, payment, and administration of such tax; to provide for the use of the proceeds of the tax for the maintenance, repair, and construction of improved roads in Blount County.

With notice and proof thereto attached and herewith exhibited as follows:

#### STATE OF ALABAMA COUNTY OF BLOUNT

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT



Relating to Blount County; to levy an excise and privilege tax on the severance of coal in said county; to provide for the collection, payment, and administration of such tax; to provide for the use of the proceeds of the tax for the maintenance, repair, and construction of improved roads in Blount County.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. When used in this act, unless the context plainly indicates otherwise, the following words and phrases shall have the meanings respectively ascribed to them by this section.

(a) "Commissioner" means the commissioner of revenue of the state revenue department.

(b) "Person" means any individual, firm, partnership, corporation, association, or any combination thereof.

(c) "Producer" means any person engaging in the business of severing coal from the soil within Blount County.

(d) "Purchaser" means any person acquiring title, outright or conditionally, to any interest in severed coal.

(e) "Severing" means cutting, mining, stripping or otherwise taking or removing from the soil within Blount County.

(f) "Ton" means a short ton of 2,000 pounds.

(g) "Transporter" means any person transporting coal from the place where it is severed or from any other place to any other place, within or without Blount County.

Section 2. Severance tax levied. There is hereby levied in addition to all other taxes imposed by law, an excise and privilege tax on every person severing coal within Blount County. The tax shall be paid to the Commissioner by every producer who severs coal within Blount County at the rate of 15 cents per ton of coal severed.

Section 3. Producer reports and payments. Every producer shall, within twenty (20) days after the end of each calendar month, whether or not he shall have actually severed any coal during that month, file with the commissioner a report which shall set forth, in a form to be prescribed by the commissioner, the amount of coal in tons, if any, severed by such producer during the next preceding calendar month; the point of severance thereof; the amount of tax due; and such other information as the commissioner may reasonably require for the proper enforcement of the provisions of this act. The producer shall accompany such report with payment of the full amount of the tax shown to be due. The report shall be signed by the producer himself in the case of an individual producer, or by a member, officer, or manager of the producer in other cases.

Section 4. Purchaser and transporter reports. Purchasers and transporters of coal severed in Blount County shall file a report with the commissioner, on forms prescribed by the commissioner, within twenty (20) days after the end of each calendar month in which such purchaser or transporter purchased or transported coal severed in Blount County. The report shall state the names and addresses of all producers in Blount County from whom such purchaser or transporter has received coal during such calendar month; the total quantity of coal so acquired; and, in

the case of a transporter, to whom and where each ton of coal was delivered; and such other information as the commissioner may reasonably require for the proper enforcement of the provisions of this act. The report shall be signed by the purchaser or transporter himself in the case of an individual purchaser or transporter, or by a member, officer, or manager of the purchaser or transporter in all other cases.

Section 5. The tax imposed by this act shall constitute a debt due Blount County and may be collected by civil suit, in addition to all other methods provided by law. The said tax, together with interest thereon, shall constitute and be secured by a lien upon the property of any person from whom said tax is due. All provisions of the revenue laws of this state which apply to the enforcement of liens for taxes due the state shall apply fully to the collection of the county tax levied herein, and the state department of revenue for the use and benefit of Blount County shall collect such taxes and enforce this act and shall have and exercise for such collection and enforcement all rights and remedies that this state or the department has for collection of the state coal severance tax. The state department of revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of the tax levied by this act, including any litigation involving the act; and the department shall pay such special counsel's fee as it deems necessary and proper from the proceeds of the taxes collected by it for Blount County.

Section 6. The state department of revenue shall charge Blount County, for collecting the county tax levied herein, such amount or percentage of total collections as may be agreed upon by the commissioner of revenue and the county commission, but such charge shall not in any event exceed ten percent of the total amount of tax collected hereunder. Such charge for collecting the tax for the county may be deducted each month from the proceeds of the tax before certifying the amount thereof due Blount County for that month.

Section 7. The net proceeds of the tax levied pursuant to this act shall be used exclusively for the maintenance, repair, and construction of improved county roads in Blount County; and on or before the tenth day of each month, the state revenue department shall pay over to the state highway department the net proceeds of the tax collected hereunder during the preceding month. Such funds shall be maintained by the state highway department in a separate account and used by such department solely for the purpose of maintenance, repair, and construction of improved county roads in Blount County.

Section 8. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this act are repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF BLOUNT

Before me, the undersigned authority in and for said County in said State, this day personally appeared Mrs. Rice M. Howard, who, being by

me first duly sworn, deposes and says that during the times herein mentioned she was editor of the Southern Democrat, a newspaper of general circulation published in Blount County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on August 14, August 21, August 28, and September 4, all in the year 1975.

MRS. R. M. HOWARD.

Sworn to and subscribed before me September 4, 1975.

JANE HILL,  
Notary Public.

Also:

By Mr. Cross:

H. 1799. Relating to all counties having a population of not less than 27,000 nor more than 27,900 inhabitants according to the most recent federal decennial census; providing that the county governing bodies of such counties may appoint a deputy warrant clerk who shall be authorized under certain conditions to take affidavits and complaints, issue warrants of arrest in misdemeanor and felony cases and issue search warrants; permitting compensation therefor to be paid out of the general fund of the county treasury.

Also:

By Mr. Kelley:

H. 1800. Relating to Marshall County; requiring the board of registrars to hold voter registration meetings at each high school and college in the county twice a year; and to relieve them of the duty of visiting each precinct.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Marshall County, to require the board of registrars to hold voter registration meetings at each high school and college in the county twice a year.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of registrars of Marshall County shall hold meetings twice a year, between March 15 and April 1, and between September 15 and October 1 of each year for the purpose of making a complete registration of all persons entitled to register to vote in said county. The voter registration meetings provided for herein shall be held at each high school and college located in said county and shall be held in lieu of any meetings required of the board of registrars of Marshall County under any existing law, the provisions of Title 17, Section 26, Code of Alabama, as amended, to the contrary, notwithstanding.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

**STATE OF ALABAMA  
MARSHALL COUNTY**

Before me, a notary public, in and for said State and County personally appeared the undersigned, Pat M. Courington who being first duly sworn according to law, deposes and says that he is the Publisher of The Sand Mountain Reporter, a newspaper of general circulation, published at Albertville, in Marshall County, Alabama; That the attached notice, which is a part of the affidavit, was published in the issues of said newspaper, July 10, 1975, July 17, 1975, July 24, 1975, July 31, 1975.

**PAT M. COURINGTON,**  
Publisher.

Sworn to and subscribed before me this the 9 day of September, 1975.

**PATRICIA DIANN SMITH,**  
Notary Public.

Also:

By Mr. Dial:

H. 1803. To regulate and control the operation and licensing of massage parlors within Cleburne county; and providing penalties for violation.

With notice and proof thereto attached and herewith exhibited as follows:

Synopsis: This bill regulates and provides for the licensing of Massage Parlors in Cleburne County. Certain massages are prohibited.

**A BILL  
TO BE ENTITLED  
AN ACT**

Applying to Cleburne County, State of Alabama; to regulate massage parlors within Cleburne County; to make legislative findings concerning the operation of massage parlors within Cleburne County, and concerning the difficulty encountered by law enforcement officers in the enforcement of the law in connection with massage parlors; to define terms; to require a license from the Cleburne County Board of Health for the operation of any aid business within the County; to provide health and sanitary requirments for the operation of massage parlors in Cleburne County; to provide standards for cleanliness in connection with massage parlors in Cleburne County; to prohibit the use of any massage parlor as a dormitory in Cleburne County; to prohibit massages by any license within said County except upon licensed premises; to prohibit massages behind closed doors; to require health examinations for persons to administer massages; to require that massage parlor premises in said County shall be open to the public and to law enforcement officers during the rendering of any service

in connection with same; to provide for automatic termination of a massage parlor license upon final conviction of certain offenses by any owner, manager, or supervisor of a massage parlor in said County; to prohibit any physical contact by a person of the opposite sex in connection with a massage at a massage parlor, bath parlor, or any similar type business in Cleburne County, to prohibit massaging, or in any way touching the genital organs of another in connection with a massage or other service rendered by a massage parlor in Cleburne County; to prohibit any person from advertising of offering any massage or physical touching of the genital organs of another in connection with a massage in Cleburne County, to provide for the revocation of massage parlor licenses by the Cleburne County Health Officer after notice and hearing; to provide penalties for the violation of this act; to provide severability for the various sections, paragraphs, sentences, clauses and phrases of this act; and to provide that the act shall become effective immediately upon its passage and approval, or upon its otherwise becoming a law.

Be It Enacted by the Legislature of the State of Alabama:

Section 1. Legislative Finding—The Legislature of the State of Alabama hereby declares and finds that the business of operating massage parlors as defined herein are businesses affecting the public health, safety, and general welfare; that such businesses have been used in Cleburne County and elsewhere as fronts for the conduct of prostitution, assignation, and lewdness; that the method of operation of such businesses generally is such that female persons bargain with male customers for illicit sexual activity, including prostitution, fellation, and sodomy, only after performing so-called massages while the male customer is nude and after engaging the customer as part of the so-called massage in sexual foreplay to the point of sexual arousal; that because of said method of operation the gathering of evidence by law enforcement officers sufficient for said officers to make an arrest or to institute some other civil proceeding requires male officers to pose as customers and to perform degrading, demeaning, compromising, and unethical acts, to-wit: becoming nude in the performance of his duty, submitting to an erotic massage, and engaging in sexual foreplay to the extent of sexual arousal, all of which invades the officers right of privacy and interferes with or potentially interferes with the officers family relationship; and that in order to protect the public interest, health, safety, and general welfare, it is necessary that such businesses be regulated in order to prevent their use for unlawful and illegal activities, and in order to protect the public health and safety.

Section 2. The following words and terms when used in this act shall, for the purpose of this act have the meanings respectively ascribed to them by this section:

A. Massage parlor. The phrase "massage parlor" shall mean any establishment, building, room, or place other than a regularly licensed hospital, medical clinic, nursing home, or dispensary, the offices of a physician, a surgeon, or an osteopath, where non-medical, non-surgical, non-osteopathic and non-chiropractic manipulative exercises, massages or procedures are practices upon the human body, a or any part thereof, for other than cosmetic or beautifying purposes, with or without the use of mechanical or other devices, by anyone not a physician, surgeon, osteopath, or chiropractor or of a similarly registered status and shall include any place where baths, exercises or similar services are offered.

B. Masseur and Masseuse. The term masseur (male) and masseuse (female) is a person who practices any one or more of the arts of body massage, either by hand or mechanical apparatus, oil rubs, corrective gymnastics, mechanotherapy, including color therapy, dietetics, hot packs, cabinet, tub, shower, sitz, vapor, steam or any other special type of bath.

C. The word "establishment" shall mean a place of business or operation of any kind.

D. The word "person" shall include a firm, partnership, association of persons, corporation, organization or any group acting as a unit.

Section 3. It shall be unlawful for any person to operate within Cleburne County a massage parlor as herein defined without first having acquired from Cleburne County Board of Health a license for the operation of said business as required by this act. In addition to the requirements of this act, the Cleburne County Board of Health shall, within 180 days from the effective date of this act, promulgate rules, regulations, and standards, which shall have the force and effect of law, for the licensing and operation of massage parlors as defined herein, within Cleburne County. From and after the effective date of such rules, regulations, and standards, it shall be unlawful for any person to operate any massage parlor as defined herein, without having procured a license therefore from the Cleburne County Board of Health, and except in compliance with said rules, regulations, and standards.

Section 4. Health and Sanitary Requirements. Any massage parlor licensed by the Cleburne County Board of Health shall at all times comply with all health regulations, rules, and requirements as shall now or hereafter be promulgated by the Cleburne County Board of Health, and any premises used for the purposes of a massage parlor shall, during all hours of operation, be made open and available to inspection by duly authorized health authorities for the purpose of assuring compliance with said health rules, regulations, and requirements. Each massage parlor shall be equipped with toilet and lavatory facilities for patrons and separate readily available toilet and lavatory facilities for employees, and each operating area shall be equipped with a hand lavatory.

Section 5. Cleanliness. (a) No towels, wash cloths, or other linen item shall come in contact with the body or any part thereof of any customer or patron at a massage parlor that has not been boiled and laundered since last used.

(b) Every person applying or administering massages shall cleanse his or her hands thoroughly by washing same with soap and hot water before attending or massaging any person.

(c) Any person while applying or administering massages shall be clothed from the shoulders to the knees by a robe, smock, or other opaque apparel so that the patron or customer shall be protected from bodily contact with the person applying or administering the massage except for the hands and arms of said person applying or administering said massage.

(d) Any massage parlor licensed pursuant to this act shall be equipped with running hot and cold water, and with all appliances, furnishings and materials as may be necessary to enable persons employed in and about said massage parlor to comply with the provisions of this act.

Section 6. Not to be used as Dormitory. No massage parlor shall be used as and for a dormitory or place of sleep, nor shall any licensee under this act permit any massage parlor to be so used.

Section 7. Massages at Licensed Location Only. No massages shall be administered or applied by an licensee hereunder or any employee, operator, or attendant while working for such licensee, except in or upon the premises or regular place of business of said licensee where said license is regularly displayed and at the place and location designated for the operation of said massage parlor in said license.

Section 8. Treatment. No masseur, masseuse, or other employee or attendant in any massage parlor shall apply or administer any massage or other treatment to any person behind locked doors.

Section 9. Health Examination. Subsequent to the effective date of this act it shall be unlawful for any masseur, masseuse, or other employee or attendant to administer massages in any massage parlor in Cleburne County without first and within six months from the date thereof having secured a written verification from a licensed physician that the said person or employee is free of any contagious, infectious, or communicable disease, and said masseur, masseuse, or other employee or attendant of any massage parlor shall, at all times while on duty or working in any such massage parlor, have upon his or her person, said written medical verification.

Section 10. It shall be unlawful for any person to render any service to the public upon the premises of a massage parlor located in Cleburne County except during the time that the establishment is open with free access thereto by the public, during which time all portions of such establishment shall be open to the inspection of any inspector of the Cleburne County Health Department, and to any law enforcement officer of the State, or of the jurisdiction where said establishment is located.

Section 11. It shall be unlawful for the owner, manager, or supervisor of a massage parlor located in Cleburne County to allow, authorize, or tolerate in his or her establishment any activity or behavior prohibited by the laws of the State of Alabama including such laws proscribing acts of prostitution, sodomy, adultery, fornication, or any lewd or obscene act of performance.

Any final conviction of any owner, manager, or supervisor of any massage parlor of a violation of the foregoing mentioned acts occurring on or in connection with the establishment shall automatically terminate the license of said establishment and the Cleburne County Health Officer shall so notify the holder thereof, and no new license for the operation of a massage parlor on the same premises thereafter shall be issued by the Health Officer for a period of one year.

Section 12. It shall be unlawful for any person to operate a massage parlor, regardless of whether it is a public or private facility, or any bath parlor, or any similar type business, located in Cleburne County where any physical contact with the recipient of such service is provided by a person of the opposite sex. Any person violating the provisions of this section shall, upon conviction, be punished by fine or \$500 or twelve months in jail, one or both and in addition final conviction of any owner, manager or person in charge of premises upon which a massage parlor shall automatically terminate the license of said establishment and the Cleburne County Health Officer shall so notify the holder thereof, and no new license

for the operation of a massage parlor on the same premises shall thereafter be issued by the Health Officer for a period of one year.

Section 13. It shall be unlawful for any masseur, masseuse, attendant or person employed in a massage parlor located in Cleburne County to massage or in any way touch the genital organs of another in connection with any massage or other service rendered by said establishment. It shall be unlawful for any person to advertise or offer any massage or physical touching of the genital organs of another in connection with such a massage.

Section 14. Revocation of License. Any license issued hereunder by the Cleburne County Health Officer may be revoked by the Cleburne County Health Officer upon the violation of any section, requirement or provision of this act by the licensee of any agent, attendant, or other employee of said licensee, provided the licensee shall first be notified of said violation and be afforded a hearing before the said Health Officer. Written notice of any violation hereunder and any hearing thereon before the Cleburne County Health Officer may be given to licensee by delivering said notice by hand to licensee, or in this absence to any adult person employed by licensee at the licensed premises or the deposit of said notice postage prepaid with the United States Postal service and addressed to licensee at the licensed premises, not less than ten (10) days prior to such hearing before the Health Officer and the licensee may present such evidence as he shall wish to the said Health Officer. In the event of any revocation of a license for the operation of a massage parlor in accordance with this section, said licensee shall not be entitled to the issuance of a subsequent license for the operation of a massage parlor in the county within twelve (12) months following the date of said revocation.

Section 15. Penalties. Any person who shall violate any provision of section of this act for which a penalty is not otherwise provided, or who shall do any act made unlawful by this Act shall, upon conviction thereof, be punished by fine of not more than \$500.00 or six months in jail, one or both.

Section 16. Severability Clause. It is hereby declared to be the intention of the Legislature that the sections, paragraphs sentences, clauses and phrases of this act are severable, and if any phrase, clause, sentence, paragraph or section of same shall be declared unconstitutional or otherwise invalid by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionally or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this act, since the same would have been enacted by Legislature without the incorporation in this act of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Section 17. That this act shall become effective immediately upon its passage and approval, or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

#### STATE OF ALABAMA COUNTY OF CLEBURNE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Allen Gunter, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the Cleburne News, a newspaper of general circulation



published in Cleburne County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on 7/17, 7/24, 7/31, and 8/7, all in the year 1975.

ALLEN GUNTER.

Sworn to and subscribed before me 9-8, 1975.

DIANE S. SEWELL,  
Notary Public, State at Large.

My Commission expires 4-22-78.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. B.'s 1795, 1796, 1797, 1747, 1798, 1799, 1800 and 1803. To the Committee on Local Legislation No. 1.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Drake, Cross, Roberts and Martin:

H. 1818. Relating to Morgan County, to alter, rearrange and extend the boundary lines and corporate limits of the Town of Falkville.

With notice and proof thereto attached and herewith exhibited as follows:

### A BILL TO BE ENTITLED AN ACT

Relating to Morgan County; to alter, rearrange and extend the boundary lines and corporate limits of the Town of Falkville.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the Town of Falkville in Morgan County are hereby altered, rearranged and extended so as to include within the corporate limits of the town, in addition to the area now embraced within the corporate limits of the town, the following described property:

Tract 1: A tract or parcel of land lying and being in Morgan County, Alabama and described as follows, to-wit: Section 36, Township 7 South, Range 4 West.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or otherwise becoming a law.

## PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF MORGAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared S. D. Nettles, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Controller of the Decatur Daily, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Aug. 16, Aug. 23, Aug. 30, and Sept. 6, all in the year 1975.

S. D. NETTLES.

Sworn to and subscribed before me September 8, 1975.

LUCY L. FERGUSON,  
Notary Public.

Also:

By Messrs. Waggoner and Smith (C):

H. 1819. To authorize the governing bodies of all counties having populations of not less than 36,500 nor more than 39,200 according to the most recent federal decennial census to appropriate not more than 1¢ per person according to the 1970 federal decennial census for celebrating the bicentennial observance during the fiscal year 1975-76.

Also:

By Messrs. Waggoner and Smith (C):

H. 1820. To authorize the governing bodies of all counties having populations of not less than 36,500 nor more than 39,200 according to the most recent federal decennial census to pay \$5.00 to each person attending an official school for election officials and who serve as an election official in the next election following such school.

Also:

By Messrs. Venable and Plaster:

H. 1821. Relating to all counties having populations of not less than 33,000 nor more than 33,575, according to the most recent federal decennial census; providing further for the distribution of fines and forfeitures from convictions in certain cases of traffic violations; validating, ratifying and confirming all prior deposits of such fines and forfeitures; repealing all conflicting laws and parts of laws general, local and special.

Also:

By Messrs. Hill and Greer:

H. 1825. Relating to all counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census; authorizing the county governing body of such counties to develop and establish a prisoner rehabilitation program which would include a livestock raising and farming area for the purpose of

inmates occupying their time in supplementing prison food, and including the leasing or purchasing of land for such purpose and purchasing equipment and supplies incident thereto; providing that the cost for such program be paid out of the county general fund and from funds designated for prisoners' feeding allowance; and prescribing penalties for violations by inmates.

Also:

By Messrs. Hill and Greer:

H. 1826. Relating to counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census; providing additional compensation for official court reports of the circuit courts in such counties.

Also:

By Mr. Cates:

H. 1828. Relating to Butler County; to provide salaries for certain county officers including an annual salary adjustment based on the cost of living index; and to provide that the county commission has the authority for providing and fixing the salaries of the employees of the county officers affected by this Act.

With notice and proof thereto attached and herewith exhibited as follows:

#### LEGAL NOTICE

#### STATE OF ALABAMA COUNTY OF BUTLER

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

Relating to Butler County; to provide salaries for certain county officers including an annual salary adjustment based on the cost of living index; and to provide that the county commission has the authority for providing and fixing the salaries of the employees of the county officers affected by this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. The following officers of Butler County shall receive an annual salary in an amount of:

Probate judge: \$18,000, plus the same compensation received by each associate county commissioner.

Tax assessor: \$15,000.

Tax collector: \$15,000.

Circuit Clerk: \$15,000.

These salaries for said officers are to take effect at the end of each officer's current term respectively, and are to be taken from the county general fund.

Section 2. In addition to the salaries for the county officers as stated in Section 1 of this Act, there shall also be an annual salary adjustment based on the national cost of living index, provided that on October 1 of each year, if the cost of living index has gone up four (4%) per cent or more from the last time the index was adjusted, then the salary of each officer affected by this Act would go up by four (4%) per cent. The first adjustment will be made on October 1, 1977, and will be based on the change in the cost of living since October 1, 1976.

Section 3. The county commission shall provide for the fixing of salaries of the employees of the officers affected by this Act.

Section 4. This bill shall become effective only if the majority of voters of Butler County and the state approve the constitutional amendment which allows certain officers of Butler County to be compensated on a salary basis.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF BUTLER

Before me, the undersigned authority in and for said County in said State, this day personally appeared W. E. Hardin, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the Greenville Advocate, a newspaper of general circulation published in Butler County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Aug. 14, Aug. 21st, Aug. 28th, and Sept. 4, all in the year 1975.

W. E. HARDIN.

Sworn to and subscribed before me Sept. 8, 1975.

PAULINE B. FULTON,  
Notary Public.

Also:

By Mr. Owens:

H. 1831. Relating to all counties having a population of not less than 13,500 nor more than 14,250 inhabitants according to the most recent federal decennial census; authorizing the county governing bodies of such counties to make an additional annual appropriation to the tax assessor and tax collector for clerk hire allowances to be paid from the county treasury.

Also:

By Messrs. Armstrong and Howard:

H. 1626. To provide that in the City of Bessemer, Jefferson County, the governing board of that City shall adopt not later than sixty days after the effective date of this Act, a resolution providing for all full-time

permanent employees of that City or its subdivisions, particularly prescribed in this Act, to participate in the State Employees' Retirement System, established by Chapter 17, Title 55, Code of Alabama 1940, as amended, subject to the approval of the Board of Control established by Section 461, Title 55, Code of Alabama 1940, as amended; to provide that the said employees of that City shall participate in the said State Employees' Retirement System, in accordance with said resolution, subject to the terms, conditions and provisions prescribed in this Act and in Chapter 17, Title 55, Code of Alabama of 1940, as heretofore or hereafter amended, except to the extent that this Act modifies said Section 467; and to provide that the said resolution shall not apply to any employees of the City or its subdivisions who prior to the date prescribed for the adoption of such resolution become entitled to participate in the Teachers' Retirement System established by Chapter 14, title 52, Code of Alabama of 1940, as amended.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To provide that in the City of Bessemer, Jefferson County, the governing board of that City shall adopt not later than sixty days after the effective date of this Act, a resolution providing for all full-time permanent employees of that City or its subdivisions particularly described in this Act, to participate in the State Employees Retirement System, established by Chapter 17, Title 55, Code of Alabama 1940, as amended, subject to the approval of the Board of Control established by Section 461, Title 55, Code of Alabama 1940, as amended; to provide that the said employees of that City shall participate in the said State Employees' Retirement System, in accordance with said resolution, subject to the terms, conditions and provisions prescribed in this Act and in Chapter 17, Title 55, Code of Alabama of 1940, as heretofore or hereafter amended, except to the extent that this Act modifies said Section 467; and to provide that the said resolution shall not apply to any employees of the City or its subdivisions who prior to the date prescribed for the adoption of such resolution become entitled to participate in the Teachers' Retirement System established by Chapter 14, Title 52, Code of Alabama of 1940, as amended.

Be It Enacted by the Legislature of the State of Alabama:

Section 1. This Act shall apply to the City of Bessemer and shall include as employees subject to this Act only the full-time permanent employees of the Bessemer Electric Service, the Bessemer Water Service and the employees of the police department, fire department, engineering department, garage, clerk's office, building department, golf course, cemetery, traffic maintenance and street maintenance, except as are excluded from participation by this Act or by any provision of Chapter 17, Title 55, Code of Alabama of 1940, as amended, or the regulations of the Board of Control created thereby.

In addition to the foregoing employees, there shall also be subject to this Act any other employees who in the judgment of the governing board of the City of Bessemer should be subject to this Act and to the State Employees Retirement Act, Chapter 17, Title 55, Code of Alabama 1940, as amended.

Section 2. Legislative Findings and Declaration of Purpose. The Legislature has found the following: that the employees subject hereto do not participate in any pension system; that Section 467, Title 55, Code of Alabama was adopted to provide pension benefits under State Retirement System for employees of the State, or any county, municipality, or political subdivision or agency thereof, who are without pension benefits; that said Section 467 authorizes the governing board of any city in the State of Alabama to adopt a resolution providing for the employees subject hereto to participate in the State Retirement System; and that it is equitable and just that the governing board adopt a resolution providing for the employees subject hereto to participate in the State Retirement System.

Section 3. Within sixty days from the effective date hereof, the governing board of the City of Bessemer shall adopt a resolution providing for the employees of the City, as defined above, who are full-time permanent employees from whatever source paid to participate in the State Retirement System, subject to the approval of the Board of Control as provided for in Chapter 17, Title 55, Code of Alabama 1940, as amended, and subject to all other terms and conditions prescribed in said Chapter 17 or regulations established by the Board of Control pursuant thereto; and the governing board of said City shall provide for said employees to participate in the State Retirement System, as provided for in said resolution and shall do all things necessary to cause said employees to be covered under the provisions of Chapter 17, Title 55, Code of Alabama 1940, as amended.

As used in this Act, the term "full-time permanent employees" means those persons who are employed by the City of Bessemer or any of its subdivisions or departments as set out in Section 1 of this Act and who are paid on any monthly basis or who are expected to work at least thirty-five hours per week however paid, and who are not employed under any anticipated date of termination except anticipated date of normal retirement.

Section 4. Neither this Act, nor any procedure or benefit provided hereby, shall apply to any person who, prior to the date above, prescribed for the governing board of said city to adopt the resolution provided herein, becomes entitled, under the law of Alabama, to participate in the Teachers' Retirement System.

Section 5. All laws and parts of laws, whether general, local or special, in conflict with the provisions hereof, are hereby repealed to the extend of any such conflict.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA  
JEFFERSON COUNTY

Before me, the undersigned Notary Public in and for the State and County aforesaid, personally appeared: John M. McElroy, Who being duly sworn, says on oath that he is: Editor-Publisher of The Bessemer

Advertiser, a newspaper published in the City of Bessemer, Jefferson County, Alabama, and that a legal notice was published for four weeks, consecutively, in said newspaper, a copy of which notice is hereto attached and made a part of this affidavit, and that the dates on which same was published were: July 25, August 1, 8, 15, 1975 and that the amount indicated hereon is a true and correct statement of the charges for publishing said notice.

Affiant further states that said newspaper is a newspaper having a general circulation in the county in which it is published, and that it has been mailed under second class mailing privilege for fifty-two (52) consecutive weeks prior to the publication of the foregoing advertisement.

JOHN M. MCELROY,  
Editor-Publisher.

Subscribed and sworn to before me this the 15th day of August, 1975.

JOHN E. SMITH,  
Notary Public.

Also:

By Mr. Gafford:

H. 1660. Relating to counties having a population of 600,000 or more inhabitants according to the most recent federal decennial census; to allow for the lawful dispensing by any food-service establishment of sugar in containers other than individual, single service packages.

Also:

By Mr. Callahan:

H. 1814. Relating to Mobile County: To amend further Section 1 of an Act approved June 28, 1940 (Act No. 594, H. 1044, Local Acts of Alabama, 1939, p. 355), placing the Sheriff of Mobile County, Alabama, on a salary basis.

With notice and proof thereto attached and herewith exhibited as follows:

## ALA. STATE LEGISLATURE

### A BILL TO BE ENTITLED AN ACT

Relating to Mobile County: To amend further Section 1 of an Act approved June 28, 1940 (Act No. 594, H. 1044, Local Acts of Alabama, 1939, p. 355), placing the Sheriff of Mobile County, Alabama, on a salary basis.

Be It Enacted by the Legislature of Alabama:

Section 1 of Act 594, H. 1044, Regular Session 1939 (Local Acts 1939, p. 355), an act regulating the compensation of the Sheriff of Mobile County, as amended, is amended further to read as follows:

"Section 1. At the expiration of the term of the incumbent, the Sheriff of Mobile County shall be entitled to be compensated in an amount equal to 90% of the salary received by Circuit Judges in such counties

where the circuit is limited to the size of said county, per annum as salary or compensation. Such sum shall be paid out of the County treasury of Mobile County, Alabama, in equal monthly installments at the end of each month, upon warrants drawn in the same manner as other officers and employees of Mobile County, Alabama."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Joyce Butt being sworn, says that she is Bookkeeper of the Mobile Press and The Mobile Register, daily newspapers printed and published in the City and County of Mobile, State of Alabama: and the attached notice appeared in the issue of The Mobile Register 6/10 6/17 6/24 7/1 1975.

JOYCE BUTT.

Sworn to and subscribed before me this 21 day of July 1975.

GARY L. RICHARDSON,  
Notary Public.

Also:

By Mr. Sandusky:

H. 1789. Relating to counties with a population of not less than 300,000 nor more than 600,000 inhabitants according to the most recent federal decennial census; to allow the operation of planning commissions of municipalities with a population of less than 1,000, within 1½ miles of the municipalities corporate limits and to prohibit the operation of such planning commissions at a distance greater than 1½ miles from such municipalities corporate limits.

Also:

By Mr. Callahan:

H. 1813. To apply only in Mobile County; providing for service of witness subpoenas by mail.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To apply only in Mobile County; providing for services of witness subpoenas by mail.

Be It Enacted by the Legislature of Alabama:

Section 1. In Mobile County the Sheriff shall execute every order from every court in Mobile County to subpoena witnesses as provided in Section 449, Title 7, Code of Alabama, 1940 or the service may be made by first class mail as follows: It shall be the duty of the Sheriff of the county to enclose the subpoenas in an envelope addressed to the person to be served and place all necessary postage and a return address thereon. In the event said witness subpoena is returned to the Sheriff by the Post Office Department of the United States without delivery, the subpoena shall be by the Sheriff returned NOT FOUND. All witness subpoenas not returned



to the Sheriff by said Post Office Department shall be considered for all purposes as sufficient personal and legal service. The provisions of this section in reference to service by mail shall not apply, however, to witness subpoenas returnable before the court instantler. Such subpoenas shall be served only as provided in Section 449 of Title 7, Code of Alabama, 1940.

Section 2. This act is cumulative.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor and upon its otherwise becoming a law.

Joyce Butt being sworn, says that she is Bookkeeper of The Mobile Press and The Mobile Register, daily newspapers printed and published in the City and County of Mobile, State of Alabama: and the attached notice appeared in the issue of The Mobile Register July 3, 10, 17, 24.

JOYCE BUTT.

Sworn to and subscribed before me this 27 day of Aug. 1975.

GARY L. RICHARDSON,  
Notary Public.

Also:

By Messrs. Callahan and Sonnier:

H. 1670. Relating to counties having a population of not less than 300,000 nor more than 600,000 inhabitants; authorizing the judge of probate, or other officer charged with issuing motor vehicle license plates, to issue certain plates for use on certain emergency search and rescue vehicles without charge; prescribing the color and prefix for such plates and repealing all conflicting statutes.

Also:

By Mr. Kennedy:

H. 1664. To provide that any city of the state having a population of more than 41,000 and less than 45,000 inhabitants according to the most recent federal decennial census shall have authority, after notice is provided, to remove or demolish buildings and structures, parts of buildings and structures, party walls and foundations when the same are found by the governing body of such city to be unsafe to the extent of being a public nuisance; to provide for a hearing by the governing body if requested; to authorize that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels whereon the building or structure was located and that such assessment shall constitute a lien on said property; and to provide a method of collecting such assessments.

Also:

By Messrs. Riddick, Smith (B) and Gregg:

H. 1748. To authorize the Board of Education of the City of Huntsville in Madison County to operate, either directly or by contract, a public transit system for the purpose of transporting pupils to and from the public schools of said city, to authorize a fare to be charged by said Board to students riding said public transit system calculated to yield to

the Board the difference in public funds received by the Board for transportation and the cost of said service to the Board; to provide that the provisions of this act are severable; to repeal all laws or parts of laws in conflict herewith; and to provide for the effective date of this act.

With notice and proof thereto attached and herewith exhibited as follows:

**STATE OF ALABAMA  
COUNTY OF MADISON**

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

**A BILL  
TO BE ENTITLED  
AN ACT**

To authorize the Board of Education of the City of Huntsville in Madison County to operate, either directly or by contract, a public transit system for the purpose of transporting pupils to and from the public schools of said city, to authorize a fare to be charged by said Board to students riding said public transit system calculated to yield to the Board the difference in public funds received by the Board for transportation and the cost of said service to the Board; to provide that the provisions of this act are severable; to repeal all laws or parts of laws in conflict herewith; and to provide for the effective date of this act.

Be It Enacted by the Legislature of Alabama as follows:

Section 1. The Board of Education of the City of Huntsville in Madison County is hereby authorized to operate, either directly or by contract, a system of public transit for the purpose of transporting students to and from the public schools of said City.

Section 2. The Board of Education of the City of Huntsville in Madison County is further authorized to charge a fare to the students transported by said public transit system authorized under section 1 hereof, on a scale to be determined by the Board, and calculated to yield to the Board the amount of difference in public funds received by the Board for transportation and the cost of said service to the Board.

Section 3. The provisions of the act are severable. If any section of this act is found unconstitutional, it shall not effect the sections, clauses or provisions which remain.

Section 4. That all laws or parts of laws in conflict herewith are hereby repealed.

Section 5. That this act shall become effective immediately upon its passage and approval, or upon its otherwise becoming a law.

**STATE OF ALABAMA  
MADISON COUNTY**

Before me, Opal H. Dilworth, a Notary Public in and for Said State and County, personally appeared Ida Mae Echols, known to me, who being by me first duly sworn, deposes and says she is Legal Advertising Manager of The Huntsville Times, a newspaper published and printed at

Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on July 12, 19, 26 and 28, 1975.

IDA MAE ECHOLS,  
Legal Advertising Manager.

Sworn to before me this the 28 day of July, 1975.

OPAL H. DILWORTH,  
Notary Public.

My commission expires April 9, 1979.

Also:

By Messrs. Smith (B), Riddick and Albright:

H. 1801. To provide that the Planning Commission of the City of Huntsville, Alabama, created pursuant to Title 37, Section 788, 1940 Code of Alabama, shall consist of twelve (12) members, as herein provided; to provide that adoption or amendment of any plan shall be carried by the affirmative votes of not less than eight (8) members; to provide that six (6) members of the Commission shall constitute a quorum; and to provide that the approval of any subdivision, and the passage of any question before the Commission, other than the adoption or amendment of any plan, shall be carried by a majority vote of those members present.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF MADISON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To provide that the Planning Commission of the City of Huntsville, Alabama, created pursuant to Title 37, Section 788, 1940, Code of Alabama, shall consist of twelve (12) members, as herein provided; to provide that adoption or amendment of any plan shall be carried by the affirmative votes of not less than eight (8) members; to provide that six (6) members of the Commission shall constitute a quorum; and to provide that the approval of any subdivision, and the passage of any question before the Commission, other than the adoption or amendment of any plan, shall be carried by a majority vote of those members present.

Be It Enacted by the Legislature of Alabama:

Section 1. In the City of Huntsville in Madison County, the Planning Commission created pursuant to the provisions of Title 37, Section 788, Code of Alabama, as amended, shall consist of twelve (12) members, namely the Mayor, or Assistant, one of the administrative officials of the municipality selected by the Mayor, and a member of the Council to be selected by it as members ex officio, and nine persons appointed by the Mayor.

Section 2. The adoption of any plan or amendment by the Commission shall be by resolution of the Commission pursuant to the provisions of Code of Alabama, Title 37, Section 793, as amended, and shall be carried by the affirmative votes of not less than eight (8) members of the Commission. Six (6) members of the Commission shall constitute a quorum for the conduct of business. The approval of any subdivision, and the passage of any question before the Commission, other than the adoption or amendment of any plan, shall be carried by a majority of those members present.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### STATE OF ALABAMA MADISON COUNTY

Before me, Opal H. Dilworth, a Notary Public in and for Said State and County, personally appeared Ida Mae Echols, known to me, who being by me first duly sworn, deposes and says she is Legal Advertising Manager of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on July 12, 19, 26 and 28, 1975.

IDA MAE ECHOLS,  
Legal Advertising Manager.

Sworn to before me this the 28 day of July, 1975.

OPAL H. DILWORTH,  
Notary Public.

My commission expires April 9, 1979.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B.'s 1818, 1819, 1820, 1821, 1825, 1826, 1828, 1831, 1814, 1789, 1813, 1670, 1664, 1748 and 1801. To the Committee on Local Legislation No. 1.

H. B.'s 1626 and 1660. To the Committee on Local Legislation No. 2.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Moore (O) and Waggoner:

H. 1466. To provide for the creation, incorporation, organization, operation, administration, and financing of one or more local districts within Shelby County as public corporations to provide local public services, including the fighting and prevention of fires, supplying water, the collection, treatment and disposal of sewage and/or garbage, trash and solid wastes, the operation of emergency medical services, including rescue and ambulance services; and the guarding and protection of lives and property; to provide for the fixing, levy and collection of rates, fees and charges for such services, penalties for non-payment, and liens upon the property in the District to enforce the payment of such charges; and to provide for the borrowing of money and the issuance of bonds or other obligations by or on behalf of such districts.

Also:

By Messrs. Greer, Coburn and Hill:

H. 1667. Relating to the coroner's office in all counties having populations of not less than 65,500 nor more than 75,200 inhabitants according to the most recent decennial census; to provide for the coroner to appoint a deputy coroner; to prescribe the duties and compensation of the deputy coroner and to repeal all conflicting statutes.

Also:

By Messrs. Jolly and Brindley:

H. 1741. Amending Section 1 of Act No. 567, H. 1518 of the Regular Session of 1973 (Acts 1973, page, 824) entitled An Act Relating to all counties having a population of not less than 26,725 nor more than 27,250; regulating the fees applicable to certain services rendered by the circuit court in equity of said counties, so as to increase the fees and charges set out therein.

Also:

By Messrs. Roberts, Cross, Martin and Drake:

H. 1791. To extend the boundary lines of the City of Hartselle, in Morgan County, Alabama, and to include within the boundaries of said municipality certain additional territory.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF MORGAN

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To extend the boundary lines of the City of Hartselle, in Morgan County, Alabama, and to include within the boundaries of said municipality certain additional territory.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines of the City of Hartselle, in Morgan County, Alabama, are hereby extended so as to include, in addition to the territory now embraced therein, the following described property, to-wit:

The NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 20, Township 7 South, Range 4 West, less and except the North 267.80 feet lying West of Tunstill Road.

The E $\frac{1}{2}$  of the NW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 20, Township 7 South, Range 4 West, less the North 267.80 feet.

The SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 20, Township 7 South, Range 4 West.

A part of the SW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 20, Township 7 South, Range 4, West described as beginning at a point on the East boundary line of said SW $\frac{1}{4}$  of the NE $\frac{1}{4}$  that is 968 feet South of the NE corner of said quarter and run thence West a distance of 1071 feet; thence South a distance of 357 feet, more or less, to a point on the South boundary of said SW $\frac{1}{4}$  of the NE $\frac{1}{4}$ ; thence East along said boundary line a distance of 1071 feet to the SE corner of said SW $\frac{1}{4}$  of the NE $\frac{1}{4}$ ; thence North along the East boundary line of said SW $\frac{1}{4}$  of the NE $\frac{1}{4}$  a distance of 357 feet, more or less, to the point of beginning.

Part of the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 20, Township 7 South, Range 4 West described as beginning at the NE corner of the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of said Section 20 and run thence S 1 degrees 00' E a distance of 663 feet; thence S 88 degrees 54' W a distance of 660 feet; thence N 1 degree 00' W a distance of 331.4 feet; thence S 88 degrees 54' W a distance of 660.44 feet to a point on the West boundary line of said NE $\frac{1}{4}$  of the SE $\frac{1}{4}$ ; thence N 1 degrees 00' W along said West boundary line a distance of 331.60 feet to the NW corner of said NE $\frac{1}{4}$  of the SE $\frac{1}{4}$ ; thence N 88 degrees 54' E along the North boundary line of said NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  a distance of 1320.44 to the point of beginning.

The W $\frac{1}{2}$  of the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 21, Township 7 South, Range 4 West.

The SW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 21, Township 7 South, Range 4 West.

The NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 21, Township 7 South, Range 4 West.

Section 2. This act shall be effective immediately upon the passage and approval by the Governor.

#### PROOF OF PUBLICATION

#### STATE OF ALABAMA COUNTY OF MORGAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Jack W. Hoffhaus, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Hartselle Enquirer, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in

the issues of said paper on Aug. 7, Aug. 14, Aug. 21 and Aug. 28, all in the year 1975.

JACK W. HOFFHAUS.

Sworn to and subscribed before me Sept. 5, 1975.

ELISE G. JOHNSTON,  
Notary Public.

My Commission Expires May 6, 1978.

Also:

By Messrs. Greer and Hill:

H. 1792. To amend the title and Section 1 of Act No. 792, H. 924, 1969 (Acts of 1969, p. 1423) so as to provide a salary for the Lauderdale County board of registrars of \$25 per diem and to increase the hours which the place for registration shall be open.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF LAUDERDALE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To amend the title and Section 1 of Act No. 792, H. 924, 1969 (Acts of 1969, p. 1423) so as to provide a salary for the Lauderdale County board of registrars of \$25 per diem and to increase the hours which the place for registration shall be open.

Be It Enacted by the Legislature of Alabama:

Section 1. The title and Section 1 of Act No. 792, H. 924, 1969 (Acts of 1969, p. 1423) are hereby amended to read as follows:

"An Act To relieve the board of registrars of Lauderdale County of the duty of visiting the several precincts for the purpose of registering applicants for registration: to regulate further the places for registration of applicants therefor; and to set the salary of members of the board.

"Section 1. The board of registrars of Lauderdale County is hereby relieved of the duty of visiting the several precincts between October first and December thirty-first in odd-numbered years for the purpose of making a complete registration of all persons entitled to register as required by Code of Alabama 1940, Title 17, Section 26, as amended, in lieu of visiting the precincts such board shall sit during such period for such purpose either at the courthouse or at such other towns or communities in the county as, in the board's opinion, will facilitate the making of a complete registration of persons entitled to register. They shall remain at each place designated for registration between the hours of eight a.m. and five p.m. at which hours there shall always be at least one person in the

office at all times. Board members shall receive compensation of \$25 per diem on the days they meet. They shall give at least twenty days notice of the time when and the place where they will attend to register applicants for registration, by bills posted at three or more public places in each town or community designated for registration, and by advertisement once a week for three successive weeks in a newspaper, if there be one published in the county. Upon failure to give such notice or to attend any appointment made by them, they shall, after like notice, fill new appointments in such town or community. The time consumed by the board in completing such registration shall be subject to the limitation prescribed in Code of Alabama 1940, Title 17, Section 26, as amended. Except as hereinabove provided the times and places of meetings of the board of registrars of Lauderdale County shall be governed by the general law."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF LAUDERDALE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Bill Harrison, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Advertising Manager of the Florence Times\*Tri-Cities Daily, a newspaper of general circulation published in Lauderdale County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on August 13, August 20, August 27, and September 3, all in the year 1975.

BILL HARRISON.

Sworn to and subscribed before me September 3, 1975.

WALLACE E. OWEN, JR.,  
Notary Public State at Large.

Also:

By Messrs. Greer and Hill:

H. 1793. Relating to Lauderdale County; to authorize the state highway department to use county road funds to maintain public cemetery roads.

With notice and proof thereto attached and herewith exhibited as follows:

##### STATE OF ALABAMA COUNTY OF LAUDERDALE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:



A BILL  
TO BE ENTITLED  
AN ACT

Relating to Lauderdale County; to authorize the state highway department to use county road funds to maintain public cemetery roads.

Be It Enacted by the Legislature of Alabama:

Section 1. The State highway department is hereby authorized to use road funds dedicated to the maintenance and improvement of roads in Lauderdale County for maintenance of roads leading to or being within public cemeteries in Lauderdale County.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF LAUDERDALE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Bill Harrison, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Advertising Manager of the Florence Times\*Tri-Cities Daily, a newspaper of general circulation published in Lauderdale County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on August 13, August 20, August 27, and September 3, all in the year 1975.

BILL HARRISON.

Sworn to and subscribed before me September 3, 1975.

WALLACE E. OWEN, JR.,  
Notary Public State at Large.

Also:

By Messrs. Hill and Greer:

H. 1794. To empower the county commission of Lauderdale County to authorize any local bank to sell automobile license tags for the county, between the dates of October 1 and November 15 of each year.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF LAUDERDALE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To empower the county commission of Lauderdale County to authorize any local bank to sell automobile license tags for the county, between the dates of October 1 and November 15 of each year.

Be It Enacted by the Legislature of Alabama:

Section 1. The County Commission of Lauderdale County is hereby empowered to authorize any local bank to sell automobile license tags for the county, between the dates of October 1 and November 15 of each year.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF LAUDERDALE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Bill Harrison, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Advertising Manager of the Florence Times\*Tri-Cities Daily, a newspaper of general circulation published in Lauderdale County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on August 13, August 20, August 27, and September 3, all in the year 1975.

BILL HARRISON.

Sworn to and subscribed before me September 3, 1975.

WALLACE E. OWEN, JR.  
Notary Public State at Large.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. B.'s 1466, 1667, 1741, 1791, 1792, 1793 and 1794. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill:

S. 887. To establish a system of regulation and control of coal surface mining and reclamation; a declaration of public policy and

legislative intent; a section defining key provisions of this act; the creation and establishment of the Alabama Surface Mining Reclamation Commission with powers and authority; establishes necessity of licenses and qualifications for obtaining licenses, and provides for permits with a right to surface mine and proper application therefor; requires a reclamation plan and map; provides for removal of certain facilities; establishes blasting regulations and setback requirements; sets application fees, bond of operator, insurance requirement, sufficiency of surety, cancellation by surety and suspension of operator's permit; provides for posting of lands; provides for entry upon lands for inspection; provides for reporting of certain information by certain purchasers of coal and provides penalties for the failure to comply; provides for confidentiality of certain records; establishes violations, administrative procedures, procedure for appeals from orders of the Commission, provides for legal remedies, enforcement provisions; and penalties; establishes the Alabama Surface Mining Reclamation Fund; provides for citizens' suits; provides for rule making procedures; provides saving and conforming provisions and establishes the effective date and orderly transition to said new act and repeals the Surface Mining Act of 1969 (Act 399 Regular Session) as to regulation of coal surface mining only; provides for approval of certain coal leases; provides for severability; sets effective date of the act.

And said bill as thus amended by the report of the Committee on Conference was again read at length and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate.

JOHN W. PEMBERTON,  
Clerk.

#### MOTION TO ADJOURN LOST

At 5:15 P.M., Mr. Perloff moved that the Senate adjourn until Thursday, September 18, 1975, at 10 o'clock A.M., which motion was lost.

Yeas 3; Nays 26.

Yeas: Messrs. Adams, Edwards, Perloff.

—3

Nays:

Messrs. Baker, Bank, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McMillan, Mims, Mitchell, Noonan, Owen, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

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#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Mr. Smith (C):

H. J. R. 249. CONGRATULATING WKLF-WEZZ FOR A JOB WELL DONE.

Also:

By Mr. Dial:

H. J. R. 251. MOURNING THE DEATH OF DWIGHT M. JACKSON.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolutions, H. J. R.'s 249 and 251, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Brindley, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt:

H. J. R. 258. COMMENDING THE STAR SPANGLED SINGERS FOR THEIR PRESENTATION "WHAT PRICE FREEDOM?" BEFORE THE LEGISLATURE.

Also:

By Mr. Moore (O):

H. J. R. 261. HONORING MRS. ELLEN LAUNIOUS HARDING WHO IS RETIRING AFTER THIRTY-SIX YEARS OF TEACHING IN THE JEFFERSON COUNTY SCHOOLS.

Also:

By Messrs. Albright, Gregg, Lutz, Moore (W), Riddick and Smith (B):

H. J. R. 265. COMMENDING THE CONFEDERETTES OF LEE HIGH SCHOOL, HUNTSVILLE, ALABAMA, FOR WINNING THE HIGHEST HONORS AT HALFTIME, USA.

Also:

By Messrs. Cross and Drake:

H. J. R. 266. MOURNING THE DEATH OF MRS. LUCY BLACKBURN MOORE.

Also:

By Mr. Plaster:

H. J. R. 268. CONGRATULATING MISS ALETHA AVANTON BEING CHOSEN AS THE AUTAUGA COUNTY FARM BUREAU QUEEN.

Also:

By Mr. Plaster:

H. J. R. 269. CONGRATULATING MISS CATHY WOOD ON BEING CHOSEN AUTAUGA COUNTY MAID OF COTTON.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolutions, H. J. R.'s 258, 261, 265, 266, 268 and 269, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Moore (O):

H. J. R. 272. CONGRATULATING MISS ANN SMITH UPON WINNING THE 1975 SCOOP AWARD.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 272, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Mr. Glass:

H. J. R. 286. COMMENDING DAN WILEY.

Also:

By Mr. Dial:

H. J. R. 287. CONGRATULATING DENISE TODD FOR HER ACADEMIC ACHIEVEMENTS AT AUBURN UNIVERSITY.

Also:

By Mr. Cross:

H. J. R. 288. HONORING THOSE GALLANT MEN FROM LAWRENCE COUNTY WHO LOST THEIR LIVES IN SOUTHEAST ASIA IN THE VIETNAM CONFLICT.

Also:

By Mr. Cross:

H. J. R. 289. LAMENTING THOSE PERSONS WHO LOST THEIR LIVES IN LAWRENCE COUNTY DURING THE TORNADOES ON APRIL 3, 1974.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolutions, H. J. R.'s 286, 287, 288 and 289, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Mr. Andrews:

H. J. R. 323. COMMENDING ELBERT A. DODD UPON HIS ELECTIONS AS NATIONAL TRUSTEE AND AS NATIONAL LEGISLATIVE COMMITTEEMAN AT THE NATIONAL FRATERNAL ORDER OF POLICE CONVENTION.

Also:

By Mr. Andrews:

H. J. R. 327. COMMENDING THE FOUR NATURALS ON THEIR SMOOTH BRAND OF MUSICAL ENTERTAINMENT.

Also:

By Mr. Harrison:

H. J. R. 332. COMMENDING OUR COLLEAGUE, RONALD E. JACKSON ON ATTAINING NATIONAL RECOGNITION.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolutions, H. J. R.'s 323, 327 and 332, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

## RESOLUTION

Mr. Jones offered the following Senate Joint Resolution, to-wit:

S. J. R. 119. COMMENDING AND CONGRATULATING LEABORNE L. EADS OF MONTGOMERY UPON BEING ELECTED AND INSTALLED AS PRESIDENT-ELECT OF THE NATIONAL EXCHANGE CLUB ORGANIZATION.

WHEREAS, The City of Montgomery, Montgomery County, and the State of Alabama have provided the nation and the world with outstanding leaders in the field of community service; and

WHEREAS, Leaborne L. Eads of Montgomery has devoted a lifetime of unselfish service to his community, the state and the nation, giving much of his time to the Programs of Service of the National Exchange Club; and

WHEREAS, the said Leaborn L. Eads has filled all of the offices of his local club, the Exchange Club of East Montgomery; is a member of the Metropolitan Montgomery Exchange Club; has served as a district director and as president of the Alabama District of Exchange Clubs; and for six years was chairman of the Alabama Districts's national education program, "One Nation Under God;" and

WHEREAS, he was awarded the Outstanding Alabama District Exchangite award in 1971; and was elected to the Board of Directors of the National Exchange Clubs in 1972 and re-elected in 1973; and

WHEREAS, at the 57th annual convention of the National Exchange Club on July 24, 1975, in Honolulu, Hawaii, he was elected and installed as President-Elect of the national organization of which he will assume the presidency on July 14, 1976, in Washington, D. C.; and

WHEREAS, the said Leaborne L. Eads is the first Montgomerian, and only the third Alabamian to be so honored in the 57-year history of the Exchange Club; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend and congratulate Leaborne L. Eads of Montgomery upon being elected and installed as President-Elect of the National Exchange Club organization.

RESOLVED FURTHER, That a copy of this resolution be sent to the Metropolitan Montgomery Exchange Club and Mr. Leaborne L. Eads.

On motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 15. To provide that all former Governors of the State of Alabama upon reaching age sixty (60) shall be entitled to monthly retirement pay; that any former governor physically or mentally disabled while in office shall be entitled to receive his full salary after leaving office; all to be paid out of the General Fund of the State Treasury; repealing Act No. 304, H. 345, 1967 Regular Session (1967 Acts, p. 847; now appearing in Code of Alabama Recompiled 1958, Title 55, Section 172(2) ) and other conflicting provisions of law.

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 780. To amend Section 3.06 of Act No. 404, S. 430, 1953 Regular Session (Acts of 1953, p. 472), as amended, entitled "An Act To permit any city in the State of Alabama having a population of more than thirty thousand and not exceeding thirty-three thousand according to the last or any succeeding federal census to adopt the council-manager form of municipal government, to provide for the calling and holding of elections to vote thereon, to provide for the election and term of the first council, to define the legal status, form of government and powers of the city, to provide for subsequent elections of members of the council, their number and their terms of office, to provide for the qualification, powers and authority of the council, the mayor and the city clerk, and for the election of the mayor and city clerk, to provide for the appointment and removal and to define the powers of the city manager, to provide for an annual budget, its preparation, submission, adoption and effect, to create and define the powers and duties of a department of finance and of the director thereof, to regulate purchases and contracts of the city, and to define their powers and authority, to set up the terms and effects of succession in government of any city adopting the council-manager form of government, to provide for the establishment and re-establishment of wards, to make various other provisions for such form of government of any such city, and to provide for the means of abandoning the council-manager form of government," so as to provide that candidates for the post of council member may also run for the designated post of mayor, with the candidate receiving the greatest number of votes being automatically designated mayor for a four-year term.

Also:

H. 1198. To amend Act No. 2312, S. 1053, 1971 Regular Session (Acts 1971, p. 3734), entitled "An Act Relating to Choctaw County; to provide for the appointment of the County Superintendent of Education; to prescribe the qualifications, duties, term of office, and compensation of such offices; and to repeal all conflicting laws" relative to the compensation of the Superintendent of Education; and to repeal Section 5 of said Act No. 2312.

Also:

H. 1471. To amend Act No. 2312, S. 1053, 1971 Regular Session (Acts 1971, p. 3734), entitled "An Act Relating to Choctaw County; to



provide for the appointment of the County Superintendent of Education; to prescribe the qualifications, duties, term of office, and compensation of such offices; and to repeal all conflicting laws" relative to the compensation of the Superintendent of Education; and to repeal Section 5 of said Act No. 2312.

Also:

H. 1235. To amend Section 1 of Act No. 1852, H. 2568, Regular Session 1971 (Acts 1971, p. 3009) relating to counties having populations of not less than 300,000 nor more than 600,000 providing for the relief of Nollie Thompson.

Also:

H. 1252. Authorizing the county commission of Choctaw County to pay the sheriff of Choctaw County a monthly expense allowance of two hundred fifty dollars (\$250.00).

Also:

H. 1263. To change the Law Library tax charged in criminal cases in the General Sessions Court of Madison County, Alabama.

Also:

H. 1265. To provide an additional expense allowance for the tax collector of Conecuh County.

Also:

H. 1272. Relating to Clarke County; to provide for branch banking.

Also:

H. 1296. To authorize the Chambers County Commission or other like governing body to appoint an assistant county engineer; to provide for his compensation; to prescribe certain qualifications and duties; to provide for state participation in his salary and to repeal conflicting laws.

Also:

H. 1325. To apply in all counties having populations of not less than 35,000 nor more than 38,000, according to the most recent Federal decennial census, to provide for the relief of Wilma M. Atkinson because of property damage sustained to her automobile.

Also:

H. 1327. Relating to Morgan County; to provide for an annual salary for the coroner and a retroactive expense allowance; and to provide for the salary and expense of the coroner to begin with the next term of office.

Also:

H. 1366. Relating to counties having populations of not less than 34,875 nor more than 36,000 inhabitants, according to the most recent federal decennial census, authorizing an appropriation from county funds for certain purposes.

Also:

H. 1379. To repeal Act No. 164, H. 132, approved May 5, 1975, Third Special Session, 1975 entitled "An Act Relating to counties having a population of not less than 90,000, nor more than 100,000, according to the most recent federal decennial census; to authorize the County Commission, Board of Revenue or like governing body to impose an additional privilege or excise tax upon the sale, use or consumption of malt or brewed beverages within such counties; providing for the administration of the act and the collection and distribution of proceeds of the tax."

Also:

H. 1380. To repeal Act No. 209, H. 133, approved May 5, 1975, Third Special Session, 1975 entitled, "An Act Relating to counties having a population of not less than 90,000 nor more than 100,000, according to the most recent or any subsequent federal decennial census; authorizing the county commission, board of revenue or like governing body to impose a privilege or license tax upon the sale, distribution, storage, use or other consumption of cigarettes in such counties; providing for enforcement and collection of the tax, and making provisions for the distribution of the proceeds".

Also:

H. 1384. Relating to Clarke County, Alabama; providing for the time of the meetings of the Clarke County Commission.

Also:

H. 1420. To alter and rearrange the boundary lines of the Town of Flomaton, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory in Escambia County, Alabama, contiguous of said Town.

Also:

H. 1455. To amend Act No. 505 of the Regular Session of 1963 (Acts, 1963, page 1087), as amended by Act No. 1094 of the Regular Session of 1969 (Acts, 1969, page 2028), and by Act No. 848 of the Regular Session of 1971 (Acts, 1971, page 1610), which establish and provide for the operation of the Cherokee County Court, amending Sections 4, 7, 12 (b), 13 (a), and 13 (e) of such Act, so as to abolish trial by jury in both civil and criminal cases in said Cherokee County Court, and to further provide for jury trial by appeal to the Cherokee County Circuit Court and trial de novo in either civil or criminal cases so appealed; to further provide for authority of the Judge of the Cherokee County Court to suspend sentences, place defendants on probation, and remit fines and costs in all criminal cases tried before the Cherokee County Court; to further provide for the collection of a trial tax for cases docketed in the Cherokee County Court; and to further provide for the transfer to the Cherokee County Circuit Court all civil and criminal cases presently pending in the Cherokee County Court wherein a jury trial has been demanded.

Also:

H. 1459. Relating to Marengo County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in certain jails of the

county, and providing for a rehabilitation board to supervise and administer the rehabilitation processes of this Act; to provide further for the carrying out of the provisions of this Act.

Also:

H. 423. To amend further Act No. 421, H. 627 of the Regular Session of 1959 (Acts 1959, p. 1113) as amended, which authorizes the district attorney of the Fifth Judicial Circuit to appoint a stenographic secretary, so as to adjust the compensation of such secretary.

Also:

H. 1248. Proposing an amendment to the Constitution of Alabama relating to the compensation of certain officers of Butler County.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 1044. To further amend Act No. 502 of the Legislature of Alabama of 1923, approved September 29, 1923 (General Acts of Alabama of 1923, page 663, et seq.), which established a policeman's pension system for cities having a population of 100,000 or more, as re-enacted by Act No. 283 of the Legislature of Alabama of 1943, approved June 28, 1943, (General Acts of Alabama of 1943, page 241, et seq.), as heretofore amended; to make the provisions of this act retroactive.

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 1071. Relating to the stenographic secretary appointed by the district attorney in every judicial circuit, composed of one county with a population of not less than 27,000 nor more than 27,900, so as to authorize an additional expense allowance for the stenographic secretary.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 167. To alter, rearrange and extend the boundary lines of the City of Scottsboro, Jackson County, Alabama, so as to include within the corporate limits thereof certain additional territory lying within the following described boundaries, situated in Jackson County, Alabama.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 1034. To provide in Madison County, Alabama, that the fee charged for issuing any license to a person to carry a pistol in a vehicle or concealed on or about his person pursuant to Section 177, Title 14, Code of Alabama, 1940, as last amended, shall be Five Dollars (\$5.00), four dollars of which shall be earmarked for the "betterment of county law enforcement", available upon requisition of the sheriff for such purposes.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 828. Relating to the eradication and control of swine diseases: to make an appropriation to the department of agriculture and industries for the fiscal year ending September 30, 1976 to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of cholera, African swine fever and other swine diseases.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 1136. To further amend Sections 89, 94, and 95 of Title 51 of the Code of Alabama of 1940, as amended, changing population spans, methods of compensation and appointment of officers.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 1116. To create the positions of and establish a salary range for the positions of stenographic secretary for each of the judges of the 26th judicial circuit.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 1278. Relating to Lawrence County; to provide that a certain percentage of the proceeds accruing to the Alabama Department of Aeronautics from any rental or lease agreement covering certain lands in said county shall be deposited to the Lawrence County general fund; requiring all such leases to be let on a competitive bid basis.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 168. TO ALTER, REARRANGE AND EXTEND THE BOUNDARY LINES OF THE CITY OF SCOTTSBORO, JACKSON COUNTY, ALABAMA, SO AS TO INCLUDE WITHIN THE CORPORATE LIMITS THEREOF CERTAIN ADDITIONAL TERRITORY LYING WITHIN THE FOLLOWING DESCRIBED BOUNDARIES, SITUATED IN JACKSON COUNTY, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

## COMMITTEE REPORT FILED

The Report of the Long-Range Highway Development Study Committee created under the provisions of H. J. R. 40, was read and ordered filed with the Secretary.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Crowe:

H. 1104. To authorize the Division of State Parks, Monuments and Historical Sites of the Department of Conservation and Natural Resources to do and perform through its own labor force maintenance within the parks system and capital improvement projects not exceeding Five Thousand Dollars (\$5,000) in material cost and to further authorize said Division to purchase equipment and materials for said maintenance or capital improvement projects and to provide for the approval of accounting procedures by the Examiners of Public Accounts.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 1104. To the Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 1214. Relating to Cullman County; to reimburse the office of the judge of probate for any monetary loss resulting in the performance of official duties from errors or mistakes, made in good faith, and upon proper certification by the state examiner, not to exceed a maximum of fifteen hundred dollars per annum; making the provisions herein retroactive to October 1, 1972.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 1172. Relating to all counties having a population of 90,000 to 100,000 inhabitants according to the most recent Federal Decennial Census; to provide that all county boards of education in such counties, shall have the power to borrow against revenues derived from the sale of malt or brewed beverages for capital outlay purposes; to provide for the allocation of such revenues; to provide in whom the power to secure loans shall be invested and the procedure to follow; to provide for the payment of any outstanding indebtedness should the voters of any such counties, at any time in the future vote to prohibit legal sales of alcoholic beverages; to provide that all laws in conflict are hereby repealed and its becoming effective upon its signing by the Governor or it otherwise becoming law.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 918. Pertaining to the Sixth Judicial Circuit and relating to the compensation of the Legal Stenographer of the District Attorney of the Sixth Judicial Circuit, amending Act No. 657 of the 1973 Regular Session of the Legislature of Alabama, and to the compensation of Bailiffs for the Sixth Judicial Circuit, amending Act No. 332 of the 1969 Regular Session of the Legislature of Alabama, and to the compensation of the official court reporters, amending Act No. 2085 of the 1971 Regular Session of the Legislature of Alabama.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 1389. Relating to Coosa County, providing monthly expense allowances for the tax assessor and tax collector of said county; and giving this Act retroactive effect.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 837. Relating to all counties having populations of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census; to provide for an additional secretarial assistant for the office of the district attorney and for the offices of circuit judge of the judicial circuit in which such county lies.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 917. To amend Act No. 91, S. 70, of the 1975 Third Special Session of the Legislature of Alabama to provide for secretarial, legal, clerical or administrative assistants for each circuit judge of all judicial circuits composed of only one county having a population of not less than 110,000 nor more than 160,000 according to the most recent federal

decennial census; and to fix the term of office and prescribe the pay for such assistants; and to provide for the payment of the salaries of such assistants out of the general fund of the county composing said circuits.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 753. To amend Section 6 of Act No. 48, H. 413, Regular Session 1973 (Acts 1973, p. 76) regulating the employment of all legislative employees so as to provide for the employment of one additional page for each house to be appointed upon recommendation of the Department of Youth Services.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 1047. Relating to Lauderdale County; to further amend Sections 1, 2, 3, 4, 7, 8 and 10 of Act No. 296 adopted by the 1949 Regular Session of the Legislature of the State of Alabama approved July 28, 1949 (Acts of Alabama of 1949, pp. 426 to 433), as amended by Act No. 470 adopted by the 1959 Regular Session of the Legislature of Alabama, approved November 13, 1959 (Acts of Alabama of 1959, Vol. 2, pp. 1165-1170), relating to privilege or license taxes or excise taxes in Lauderdale County (outside the corporate limits of the City of Florence) and in the City of Florence, Lauderdale County; levying in such county (outside the city limits of Florence) and in such municipality additional privilege license and excise taxes paralleling the state sales and use taxes provided for in Act No. 100, Second Special Session 1959 (Acts 1959, p. 298), as amended, and in Articles 11, 11A and 11B, Title 51, Code of Alabama, 1940, as amended; providing that the taxes levied in Sections 1 and 3 of this Act shall be subject to all of the exemptions, definitions, proceedings, rules, regulations, requirements, provisions, penalties, fines, punishments and deductions set out in Act No. 100, adopted by the 1959 Second Special Session of the Legislature of Alabama, approved August 18, 1959, as amended, except where inapplicable or where herein otherwise provided; providing that the taxes levied in Sections 2 and 4 of this Act shall be subject to all of the exemptions, definitions, proceedings, rules, regulations, requirements, provisions, penalties, fines, punishments and deductions set out in Articles 11, 11A and 11B of Chapter 20 of Title 51 of the Code of Alabama of 1940, as amended, except where inapplicable or where herein otherwise provided; providing for the alternative collection of such taxes and the enforcement and administration of the Act by the State Department of Revenue if authorized and directed by the governing body of Lauderdale County; and further providing a procedure by which the governing body of Lauderdale County may discontinue availing itself of



the alternative collection of such taxes and the enforcement of the Act by the State Department of Revenue after election to invoke such alternative collection and enforcement procedures has been made.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Joint Resolution.

H. J. R. 139. Relative to creating a joint continuing committee to study real estate licensing laws.

JOHN W. PEMBERTON,  
Clerk.

#### FURTHER CONSIDERATION OF H. B. 300

The Senate proceeded to further consideration of the Bill, H. B. 300. The question was on the amendment offered by Mr. Shelby.

On motion of Mr. Torbert, said amendment was laid on the table.

Yeas 18; Nays 7.

*Yeas:*

Messrs. Bank, Ellis, Fine, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Noonan, St. John, Torbert, Vacca, Waldrop.

— 18

*Nays:*

Messrs. Adams, Baker, Edwards, Mitchell, Perloff, Shelby, Stewart.

— 7

Mr. Edwards offered the following amendment to the Bill, H. B. 300, as amended, to-wit:

#### AMENDMENT TO H. B. 300, AS AMENDED

Amend H. B. 300 as follows:

On page 14, Section 8, subsection (2) on line 24 after the word "parties" strike the period (.) and insert in lieu thereof a comma (,) and add the following words:

if Section 8 is complied with

#### MOTION TO POSTPONE

Mr. Perloff moved that further consideration of the Bill, H. B. 300, as amended, and pending amendment, and of S. B. 400, the next Bill on the Special Order Calendar, be postponed until the next Legislative Day.

Upon the request of Mr. Torbert for a division of the question, Mr.

Perloff moved that further consideration of S. B. 400 be postponed until the next Legislative Day, which motion was lost.

Mr. Perloff then moved that further consideration of H. B. 300 be postponed until the next Legislative Day. On motion of Mr. Bank, the motion to postpone was laid on the table.

Yeas 20; Nays 9.

*Yeas:*

Messrs. Bank, Ellis, Fine, Foshee, Gilmore, Givhan, Jones, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Powell, St. John, Stewart, Torbert, Waldrop.

—20

*Nays:*

Messrs. Adams, Baker, Edwards, Flipppo, King, Perloff, Roberts, Shelby, Vacca.

—9

#### BILLS ON THIRD READING RESUMED

The Bill:

S. 1126. To create the office of senior legislative counsel; to prescribe the qualifications, duties and term of all such officers; and to make appropriations from the state general fund to pay the salaries of all senior legislative counsel.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 30; Nays 1.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—30

*Nay:* Mr. Baker.

—1

On motion of Mr. Fine, unanimous consent was granted to add the names of Messrs. Fine, Adams, Bank, Clemon, Edwards, Ellis, Flipppo, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca and Waldrop as co-sponsors of the above Bill.

#### FURTHER CONSIDERATION OF H. B. 300

The Senate proceeded to further consideration of H. B. 300, as amended. The question was on the amendment offered by Mr. Edwards.

On motion of Mr. Baker, said amendment was laid on the table.

Mr. Baker then offered the following amendment to the Bill, H. B. 300, as amended, to-wit:

AMENDMENT TO H. B. 300

Amend House Bill No. 300 Page 17 Line 1, by striking out All of Section 14, as amended and by substituting therefor the following.

Section 14. All rules of evidence and procedures heretofore in effect in civil actions in the State of Alabama are hereby preserved unless specifically changed herein in all civil actions covered by this Act.

Which was adopted.

Yeas 24; Nays 3.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flippo, Gilmore, Givhan, Jones, King, Little, McMillan, Mims, Mitchell, Noonan, Owen, Powell, St. John, Stewart, Torbert, Vacca, Waldrop, Wilson.

—24

*Nays:* Messrs. Foshee, Littleton, Perloff.

—3

And said Bill, H. B. 300, as thus amended, was then read a third time at length and passed.

Yeas 28; Nays 2.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perloff, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop.

—28

*Nays:* Messrs. Baker, Wilson.

—2

RESOLUTION

S. R. 129. The Standing Committee on Rules offered the following Senate Resolution, to-wit:

Resolved by the Senate, That the following bills shall be the paramount and continuing order of business, immediately upon adoption of this resolution, taking precedence over all other business, for the 31st legislative day and for each succeeding legislative day until disposed of.

All uncontested local bills as they appear on the calendar.

Bill No.

H. B. 490

H. B. 1409

H. B. 1410

H. B. 489

H. B. 271

H. B. 476

H. B. 488

H. B. 457

H. B. 584

On motion of Mr. Foshee, said Resolution was adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 234. To further amend Sections 2, 3, 4, 5, 6, 7 and 8 of Act No. 867, S. 210, Regular Session 1965, [Acts 1965, p. 1615; now appearing in Code of Alabama, Recompiled, 1958, as Title 46, Sections 189 (33 thru 47)], as amended, and entitled "An Act To better provide for the public health by providing for the regulation and approval of schools of nursing, for the examination, regulation and licensing of professional and practical nurses; to create and define the powers of the Board of Nursing and the Advisory Council for practical nursing; to provide for the appointment and prescribe the terms of office, duties and compensation of members of such Board and of such Council; to provide for disciplining licensees and for appeals from decisions of the said Board; to prescribe penalties for violation of the provisions of this Act; and to make further provisions for the purpose of carrying out this Act," and to repeal conflicting statutes.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 1175. Relating to Jefferson County; to regulate further the branch office system of the county to provide for the election, duties, term, compensation, and removal of certain deputy or assistant county officials to serve in the branch offices in the City of Bessemer.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 1002. To amend further the title and Section 1 of Act No. 611, H. 754, Regular Session 1967 (Acts 1967, p. 1416), as amended, which provides for the appointment of an additional clerk as assistant to the clerk

by the circuit court clerk in certain counties classified on a population basis, so as to increase the compensation of said assistant to the clerk.

Also:

H. 1011. Relating to Clarke County, Alabama; authorizing the Clarke County Commission to appropriate and pay monies, out of the General Fund of the County, in such amounts as it may determine, to or for the use and benefit of the Clarke County Association for Retarded Citizens.

Also:

H. 1012. Relating to Clarke County; providing an additional expense allowance for the members of the Clarke County Commission or other like governing body.

Also:

H. 1013. Relating to Clarke County, Alabama; to provide that the Clerk of the Inferior Court of said County and the Recorders of the Municipal Courts of Grove Hill, Jackson and Thomasville in said County may each take affidavits and complaints, issue warrants of arrest in misdemeanor and felony cases, and issue search warrants.

Also:

H. 1032. To change the court fees assessed in civil cases in the Circuit Court and General Sessions Court of Madison County, Alabama, and in cases in the Probate Court of Madison County, Alabama, and to require the payment of court fees in civil cases and cases in the Probate Court when same are filed with said courts.

Also:

H. 1033. To change the compensation of each member of the Madison County Board of Education.

Also:

H. 1037. To change the compensation of each member of the County Commission, except for the Chairman thereof, of Madison County, Alabama.

Also:

H. 1038. To change the compensation of the Tax Collector of Madison County, Alabama.

Also:

H. 1039. To change the compensation of the Tax Assessor of Madison County, Alabama.

Also:

H. 1055. Relating to Lauderdale County; authorizing the county commission to provide parking facilities near the county courthouse and to regulate parking on county property around the courthouse; providing penalties for violations.

Also:

H. 1056. To authorize the Lauderdale County Board of Education to set and establish sick leave and annual leave, and rules pertaining thereto for employees other than teachers so that said employees may, at the discretion of said County Board, participate in leave allowances.

Also:

H. 1057. Relating to Lauderdale County; providing for an expense allowance for members of the Lauderdale County Board of Education.

Also:

H. 1058. To authorize the city of Florence to declare noxious or dangerous weeds growing upon the streets or sidewalks, or upon private property within said city, or any accumulation of trash, rubbish, junk or debris, or any unsightly or dangerous walls, or any abandoned construction of any kind or nature, or motor vehicles or machinery not in operating condition, or any debris of a burned building, or any abandoned or unused swimming pool, or any abandoned wells or cisterns, to be a public nuisance and creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same.

Also:

H. 234. To further amend Sections 2, 3, 4, 5, 6, 7 and 8 of Act No. 867, S. 210, Regular Session 1965, [Acts 1965, p. 1615; now appearing in Code of Alabama, Recompiled, 1958, as Title 46, Sections 189 (33 thru 47)], as amended, and entitled "An Act To better provide for the public health by providing for the regulation and approval of schools of nursing, for the examination, regulation and licensing of professional and practical nurses; to create and define the powers of the Board of Nursing and the Advisory Council for practical nursing; to provide for the appointment and prescribe the terms of office, duties and compensation of members of such Board and of such Council; to provide for disciplining licensees and for appeals from decisions of the said Board; to prescribe penalties for violation of the provisions of this Act; and to make further provisions for the purpose of carrying out this Act," and to repeal conflicting statutes.

Also:

H. 1175. Relating to Jefferson County; to regulate further the branch office system of the county to provide for the election, duties, term, compensation, and removal of certain deputy or assistant county officials to serve in the branch offices in the City of Bessemer.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

## BILLS ON THIRD READING RESUMED

## The Bill:

S. 400. To implement the new Judicial Article of the Alabama Constitution (Amendment No. 328 approved December 18, 1973); by establishing a unified judicial system for the state; by establishing a new state court of limited jurisdiction to be known as the District Court of Alabama, having uniform jurisdiction, procedures and costs; by authorizing the establishment of municipal courts having uniform jurisdiction, procedures and costs; by providing that the state bear the cost of personnel and operation of the circuit and district courts; by making appropriations for the payment of salaries, pensions and other costs of the unified judicial system, except the courts of probate and municipal courts; by amending various sections of the Alabama Code of 1940 and subsequent statutes as required to make effective the unified judicial system. The contests of this Act are organized as follows:

The judicial authority of the state is vested in a unified system; amending section 1 of title 13 of the Code of Alabama, 1940, to reflect constitutional provisions.

The jurisdiction of the circuit court and powers of presiding circuit judges are described with amendments to the Code of Alabama reflecting the new court structure; presiding circuit judge has supervision of personnel of circuit and district courts; circuit court has jurisdiction of appeals from municipal and district courts; and jurisdiction of involuntary commitment cases, if transferred from probate court.

Repeals sections 157, 158, 159, 179, 180 and 181 of title 13 of the Code of Alabama, 1940; repeals Act No. 530, approved August 21, 1969; amends sections 115, 123 and 172 of the Code of Alabama, 1940.

Provision is made for probate judges' election to come under the judicial retirement act; amount of benefits specified.

The district court established; effective January 16, 1977; civil and criminal jurisdiction; number of judges and places of holding court; election, compensation and retirement of district court judges; uniform traffic ticket procedure; preliminary hearing jurisdiction; use of magistrates; district attorney responsible for prosecution; provision for a district court in every county, designating places in counties where court must be held; transfer of cases from present county and other courts; jurisdiction of civil cases up to five thousand dollars (\$5,000.00); special docket for small claims up to five hundred dollars (\$500.00); jurisdiction of juvenile cases; exclusive criminal jurisdiction in misdemeanor cases except those in municipal courts; authority to receive guilty pleas in all felonies not involving death penalty.

Repeals sections 313, 314, 315-341, 345, 346, 349 and 384-406 of title 13 of the Code of Alabama, 1940; repeals Act No. 764, approved September 17, 1953; and Act No. 535, approved January 1, 1954.

Jurisdiction of juvenile cases placed in district court; civil, criminal and delinquency procedures and rules regarding juveniles established; age of juveniles revised to eighteen on January 16, 1977; appointment of referees; probation services; advisory boards; scope of jurisdiction; delinquency, custody, commitment, child abuse, offenses against children, paternity, desertion and non-support; investigations and complaints; court custody, detention and shelter care; transfer to criminal court; right

to counsel; disposition of dependent and delinquent children; guardians ad litem; confidentiality of records; adult offenses; and appeals.

Repeals sections 350-383 of title 13 of the Code of Alabama, 1940.

Providing for security and protection of judicial facilities; advisory and standing committees; temporary judicial personnel; court facilities; appellate court personnel benefits and expenses; publishing and construction of rules; coordination and use of appropriations; voluntary diminution of compensation; use of special judges; provisions for senior associate justices to perform duties of chief justice when chief justice unable to act; supernumerary justices or judges and their dependents' rights and benefits; additional permanent duties for designated judges; procedure when bill introduced to increase or decrease number of judges or change boundaries of circuit or district; and local legislation affecting the judiciary.

Provision for phased assumption by the state of employment and compensation of personnel of district and circuit courts, beginning October 1, 1977; protection of local retirement rights of county employees transferred to state; compensation of circuit clerks; employee benefits for transferred personnel; positions of confidential secretaries and bailiffs for judges; court reporters and referees; office of register abolished when present positions become vacant; compensation of registers; court reporters compensation; and supernumerary clerks and registers.

Establishment of municipal courts with uniform jurisdiction, procedures and costs; procedures for abolition of municipal courts by municipalities, transfer of jurisdiction to district court, and apportionment of fines; procedures for re-establishment of municipal courts; appointment and qualification of municipal judges; compensation fixed by municipality; authority of judges; bail on personal recognizance, fines, jail, suspended sentence, probation; appeals to circuit court; arrest and search warrants; and use of magistrates.

Repeals sections 582-600 of title 37 of the Code of Alabama, 1940; repeals Act No. 403, approved August 16, 1965; Act No. 665, approved September 6, 1961; and Act No. 1108, approved September 12, 1969.

Declaration of state policy that state provide counsel for defense of indigents in all criminal cases in which defendants are entitled to counsel under the state or federal constitution; provides that the presiding circuit judge administer the indigent defense system; allows local option regarding type defense services provided; establishes an advisory indigent defense commission in each circuit; authorizes establishment of a public defender system in any circuit, paid by the state; and provides for compensation of appointed counsel by the state.

Repeals a portion of section 2 of Act No. 2421, approved October 1, 1971; and amends section 1 of Act No. 2420, approved October 1, 1971.

Probation services conformed to unified court system; provides maximum probation period of five years for felonies and two years for misdemeanors, and for termination of probation.

Amends sections 19, 23 and 24 of title 42 of the Code of Alabama, 1940.

Defines the duties and authority of administrative director of courts as assistant to chief justice as administrative head of judicial system;



provides for personnel policies; provides for the attendance by judges and personnel of judicial system at educational conferences and meetings; provides for study and supervision of programs relating to the administration of justice, and coordination and use of judicial funds from appropriations and grants by the director.

Provides for authority to administer oaths and require testimony and production of records by judicial compensation commission established by the Constitution; and provides for payment of expenses of the commission.

Provides per diem compensation for members of judicial inquiry commission who are not judges in amount of one-half of one percent of annual salary paid by the state to circuit judges.

Provides for expenses of the court of the judiciary and reporter.

Provides for representation of district, municipal, and probate judges on judicial conference; amending Act No. 118, approved January 12, 1972.

Provides for assumption by the state of expenses of district and circuit courts, phased over two budget periods; provides that counties continue to be responsible for construction, maintenance and operation of courtrooms and facilities, and for transfer of title to equipment and furniture to the state; establishes uniform fees and court costs in circuit and district courts; provides for distribution of fees, costs, and fines between state and municipality.

Repeals sections 1, 10, 11, 13, 18-26, 34, 38, 40-43, 55, 59-63, 65, 67, 72-76, 81-83, 85, 86, 89-91, 96, 97, 100-102 and 112 of title 11 and section 392 of title 15 of the Code of Alabama, 1940; repeals Act No. 742, approved September 23, 1957; Act No. 58, approved June 1, 1945; section 1 of Act No. 741, approved September 23, 1957; sections 1 and 2 of Act No. 570, approved September 16, 1963; Act No. 311, approved July 28, 1949; section 2 of Act No. 575, approved July 7, 1943; Act No. 573, approved July 7, 1943; Act No. 413, approved July 7, 1945; Act No. 483, approved July 7, 1945; and Act No. 177, approved July 21, 1947; amends sections 2-4, 6-8, 35-37, 39, 56, 57, 64, 92-95, 98, 104-108, 110 and 113 of title 11 of the Code of Alabama, 1940; and amends section 2 of Act No. 625, approved September 4, 1951; and a portion of section 2 of Act No. 2421, approved October 1, 1971.

Provides for state appropriations for Act.

Provides for severability of provisions of Act in proper case; repealer of existing laws inconsistent with Act; and establishes effective date of Act where individual articles or sections do not establish such.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 400, to-wit:

#### FINANCE AND TAXATION SUBSTITUTE FOR S. B. 400

#### A BILL TO BE ENTITLED AN ACT

To implement the new Judicial Article of the Alabama Constitution (Amendment No. 328 approved December 18, 1973); by establishing a

unified judicial system for the state; by establishing a new state court of limited jurisdiction to be known as the District Court of Alabama, having uniform jurisdiction, procedures and costs; by authorizing the establishment of municipal courts having uniform jurisdiction, procedures and costs; by providing that the state bear the cost of personnel and operation of the circuit and district courts; by making appropriations for the payment of salaries, pensions and other costs of the unified judicial system, except the courts of probate and municipal courts; by amending various sections of the Alabama Code of 1940 and subsequent statutes as required to make effective the unified judicial system. The contents of this Act are organized as follows:

The judicial authority of the state is vested in a unified system; amending Section 1 of title 13 of the Code of Alabama, 1940, to reflect constitutional provisions.

The jurisdiction of the circuit court and powers of presiding circuit judges are described with amendments to the Code of Alabama reflecting the new court structure; presiding circuit judge has general supervision of judges and other officers; circuit court has jurisdiction of appeals from municipal and district courts.

Repeals sections 157, 158, 159, 179, 180 and 181 of title 13 of the Code of Alabama, 1940; amends sections 115, 123, 172 of the Code of Alabama, 1940.

Provision is made for probate judges' election to come under the judicial retirement act; amount of benefits specified.

The district court established; effective January 16, 1977; civil and criminal jurisdiction; number of judges and places of holding court; election, compensation and retirement of district judges; provision for primary and secondary system of trials; uniform traffic ticket procedure; preliminary hearing jurisdiction; use of magistrates; district attorney responsible for prosecution; provision for a district court within geographic bounds constituting a district, designating places within districts where court must be held; transfer of cases from present county and other courts; jurisdiction of civil cases up to five thousand dollars (\$5,000.00); special docket for small claims up to five hundred dollars (\$500.00); jurisdiction of involuntary commitment cases, if transferred from probate court; jurisdiction of juvenile cases; exclusive criminal jurisdiction in misdemeanor cases except those in municipal courts; authority to receive guilty pleas in all felonies not involving death penalty.

Repeals sections 313, 314, 315-341, 345, 346, 349 and 384-406 of title 13 of the Code of Alabama, 1940; repeals act No. 764, approved September 17, 1953; and Act No. 535, approved January 1, 1954.

Jurisdiction of juvenile cases placed in district court; civil, criminal and delinquency procedures and rules regarding juveniles established; age of juveniles revised; appointment of referees; probation services; advisory boards; scope of jurisdiction; delinquency, custody, commitment, child abuse, offenses against children, paternity, desertion and non-support; investigations and complaints; court custody, detention and shelter care; transfers to criminal court; right to counsel; disposition of neglected and delinquent children; guardians ad litem; confidentiality of records; adult offenses; and appeals.

Repeals sections 350-383 of title 13 and sections 239, 252 (a8), 252

(a9), 252 (a10), 252 (a11), 252 (a12), 252 (a13), 252 (a14), 252 (a15) and 252 (a16) of title 45 of the Code of Alabama, 1940.

Providing for security and protection of judicial facilities; advisory and standing committees; court facilities; travel expenses of appellate court personnel; publishing and construction of rules; coordination and use of appropriations; voluntary diminution of compensation; use of special judges; provisions for senior associate justices to perform duties of chief justice when chief justice unable to act; supernumerary justices or judges and their dependents' rights and benefits; additional permanent duties for designated district court judges; procedure when bill introduced to increase or decrease number of judges or change boundaries of circuit or district; and local legislation affecting the judiciary.

Provision for phased assumption by the state of employment and compensation of personnel of district and circuit courts, beginning October 1, 1977; protection of local retirement rights of county employees transferred to state; compensation of circuit clerks; employee benefits for transferred personnel; positions of confidential secretaries for judges and clerks and bailiffs for judges; court reporters and referees; office of register abolished when present positions become vacant; compensation of registers; court reporters compensation; and supernumerary clerks and registers.

Establishment of municipal courts with uniform jurisdiction, procedures and costs; procedures for abolition of municipal courts by municipalities, transfer of jurisdiction to district court, and apportionment of fines; procedures for re-establishment of municipal courts; appointment and qualification of municipal judges; bail on personal recognizance, fines, jail, suspended sentence, probation; appeals to circuit court; arrest and search warrants; and use of magistrates.

Repeals sections 582-600 of title 37 of the Code of Alabama, 1940; repeals Act No. 403, approved August 16, 1965; Act No. 665, approved September 6, 1961; and Act No. 1108, approved September 12, 1969.

Provision for the presiding circuit judge to administer the indigent defense system; allows local option regarding type defense services provided; establishes an advisory indigent defense commission in each circuit; authorizes establishment of a public defender system in any circuit, paid by the state; and provides for compensation of appointed counsel by the state.

Repeals a portion of section 2 of Act No. 2421, approved October 1, 1971; and amends section 1 of Act No. 2420, approved October 1, 1971.

Probation services conformed to unified court system; provides maximum probation period of five years for felonies and two years for misdemeanors, and for termination of probation.

Amends sections 19, 23 and 24 of title 42 of the Code of Alabama, 1940.

Defines the duties and authority of administrative director of courts as assistant to chief justice as administrative head of judicial system; provides for personnel policies; provides for the attendance by judges and personnel of judicial system at educational conferences and meetings; provides for study and supervision of programs relating to the

administration of justice, and coordination and use of judicial funds from appropriations and grants by the director.

Provides for authority to administer oaths and require testimony and production of records by judicial compensation commission established by the Constitution; and provides for payment of expenses of the commission.

Provides per diem compensation for members of judicial inquiry commission who are not judges in amount of one-half of one percent of annual salary paid by the state to circuit judges.

Provides for expenses of the court of the judiciary and reporter.

Provides for representation of district, municipal and probate judges on judicial conference; amending Act No. 118, approved January 12, 1972.

Provides for assumption by the state of expenses of district and circuit courts, phased over three fiscal years; provides that counties continue to be responsible for construction, maintenance and operation of courtrooms and facilities, and for transfer of title to equipment and furniture to the state; establishes uniform fees and court costs in circuit and district courts; provides for distribution of fees, costs, and fines between state and municipality.

Repeals sections 1, 10, 11, 13, 18-26, 34, 38, 40-43, 55, 59-63, 65, 67, 72-76, 81-83, 85, 86, 89-91, 96, 97, 100-102 and 112 of title 11 of the Code of Alabama, 1940; repeals Act No. 742, approved September 23, 1957; Act No. 58, approved June 1, 1945; section 1 of Act No. 741, approved September 23, 1957; sections 1 and 2 of Act No. 570, approved September 16, 1963; Act No. 311, approved July 28, 1949; section 1 of Act No. 575, approved July 7, 1943; Act No. 573, approved July 7, 1943; Act No. 413, approved July 7, 1945; Act No. 483, approved July 7, 1945; and Act No. 177, approved July 21, 1947; amends sections 2-4, 6, 7, 35-37, 39, 56, 57, 64, 92-95, 98, 104-108, 110 and 113 of title 11 of the Code of Alabama, 1940; and amends section 2 of Act No. 625, approved September 4, 1951; and a portion of section 2 of Act No. 2421, approved October 1, 1971.

Provides for state appropriations for Act.

Provides for severability of provisions of Act in proper case; repealer of existing laws inconsistent with Act; and establishes effective date of Act where individual articles or sections do not establish such, and of individual articles or sections.

Be It Enacted by the Legislature of Alabama:

#### Article 1. JUDICIAL POWER.

1-101. Section 1 of Title 13 of the Code of Alabama, 1940, entitled "Judicial power," is amended to read as follows:

"§1. Judicial power.—The judicial power of the state is vested exclusively in a unified judicial system which shall consist of a supreme court, a court of criminal appeals, a court of civil appeals, a trial court of general jurisdiction known as the circuit court, a trial court of limited jurisdiction known as the district court, a probate court and such municipal courts as may be provided by law. The courts herein described shall have all authority heretofore provided by law except as changed in this Act and shall continue to have all authority as heretofore provided by rule."

**Article 2. CIRCUIT COURT.**

2-101. Section 115 of Title 13 of the Code of Alabama, 1940, entitled "Providing for regular or special sessions of the court," is amended to read as follows:

"§115. Providing for regular or special sessions of the court.—The presiding circuit judge of each circuit court shall provide, by written direction to the circuit clerk, for the holding of regular or special sessions of the court; provided, that nothing herein contained shall be construed to prevent the transaction of business by the court at times when the court is not in session."

2-102. Section 123 of Title 13 of the Code of Alabama, 1940, entitled "Session defined," is amended to read as follows:

"§123. Session defined.—The word 'session' of court when used in this Code means any period of time fixed by the presiding judge of the court for the trial of cases or the transaction of any other business, unless the context clearly indicates to the contrary."

2-103. Section 172 of Title 13 of the Code of Alabama, 1940, entitled "Presiding judge has supervision of judges and other officers," is amended to read as follows:

"§172. Presiding judge has supervision of judges and other officers.—The presiding circuit judge shall exercise a general supervision of the judges, clerks, registrars, court reporters, bailiffs and sheriffs, and other court employees of the circuit and district courts within the circuit except employees of the clerk, and see that they attend strictly to the prompt, diligent discharge of their duty."

2-104. Jurisdiction of the circuit court as of January 16, 1977.—Upon initiation of the district court on January 16, 1977, the circuit court shall have the following jurisdiction:

(a) Civil. The circuit court shall have exclusive original jurisdiction of all civil actions in which the matter in controversy exceeds five thousand dollars (\$5,000.00) and shall exercise original jurisdiction concurrent with the district court in all civil actions in which the matter in controversy exceeds five hundred dollars (\$500.00) exclusive of interest and cost.

(b) Criminal. The circuit court shall have exclusive original jurisdiction of all felony prosecutions and of misdemeanor or ordinance violations which are lesser included offenses within a felony charge or which arise from the same incident as a felony charge, except that the district court shall have concurrent jurisdiction with the circuit court to receive pleas of guilty in felony cases not punishable by sentence of death. The circuit court may, on conviction of a defendant, upon a showing of inability to make immediate payment of fine and costs continue the case from time to time to permit the fine and costs to be paid.

(c) Appellate. The circuit court shall have appellate jurisdiction of civil, criminal and juvenile cases in district court and prosecutions for ordinance violations in municipal courts except in cases in which direct appeal to the courts of civil or criminal appeals is provided by law or rule. Appeals to circuit court shall be tried de novo with or without a jury as provided by law.

(d) Contempts. The circuit court may punish contempts by fines not exceeding one hundred dollars (\$100.00) and by imprisonment not exceeding five days. The power of the circuit court to enforce its orders and decrees by determinations of civil contempt shall be unaffected by this section.

(e) General. The circuit court shall have such other powers as may be provided by law.

2-105. Presiding judges; how selected. The presiding judge of a circuit shall be elected by majority vote of circuit judges in the circuit. In the event of the failure of any judge to receive a majority vote, the supreme court shall provide by rule for selection of the presiding judge.

2-106. Transfer of cases between circuit court and district court.—If a case filed in the circuit court is within the exclusive jurisdiction of a district court or a case filed in the district court is within the exclusive jurisdiction of the circuit court, the circuit clerk or a judge of the court where the case was filed shall transfer the case to the docket of the appropriate court, and the clerk shall make such cost and docket fee adjustments as may be required and transfer all case records. This section does not apply to cases filed in the circuit court prior to January 16, 1977.

2-107. Involuntary commitment proceedings.—Except as provided in article 5 of this act, involuntary commitment proceedings, primarily cognizable before the probate courts, may be transferred to circuit court for adjudication on motion of a party to the proceeding in probate court, according to rules governing transfer of these proceedings. Probate court officers shall maintain records of all commitment proceedings.

2-108. Express repealer.—

(a) The following sections of Title 13 of the Code of Alabama, 1940, are hereby expressly repealed: Section 157, entitled "Presiding judge; how determined in circuits having two judges;" Section 158, entitled "Presiding judge in circuits having three judges;" Section 159, entitled "How judges designated in circuits of one county having more than three judges;" Section 179, as amended, entitled "Expenses of circuit judge when holding court outside his circuit;" Section 180, entitled "Statement of expenses filed with chief justice;" Section 181, as amended, entitled "Form of statement."

(b) Act No. 530, approved August 21, 1969 (Section 125 [90g] of Title 13 of the Recompiled Code) is hereby expressly repealed.

### Article 3. PROBATE COURT.

### Article 3. PROBATE COURT.

3-101. Retirement probate judges; right to elect to come under Judicial Retirement Act.—Each probate judge holding office in the several counties of Alabama at the time of the adoption of Amendment 328 to the Constitution of Alabama of 1901, as amended, shall have a right to elect to come under Act No. 1163, approved September 18, 1973, hereinafter referred to as the Judicial Retirement Act, in accordance with the provisions of this article. Each such probate judge who elects to come under the Judicial Retirement Act shall, prior, to the first Monday after the second Tuesday in January, 1977, file with the clerk of the supreme court of Alabama, the county commission of the county in which each such probate judge serves, and the secretary-treasurer of the employees'

retirement system of Alabama, an instrument in writing electing to come under the Judicial Retirement Act. Each probate judge hereafter elected or appointed to office shall come under the provisions of the Judicial Retirement Act as a matter of law.

3-102. Contributions of judges.—

(a) Judges on fees. After the passage of this article each probate judge compensated by fees who elects to come under the Judicial Retirement Act or who comes under the Judicial Retirement Act by operation of law, shall contribute to the judicial retirement fund annually, payable in equal monthly installments, four and one-half percent of a sum (hereinafter referred to as the "base sum") that is 90% of the annual state compensation now authorized by law to be paid to circuit judges in Alabama. This base sum shall be adjusted up or down in accordance with and equal to future changes that are made in the state compensation of such circuit judges. Such percentage shall be deducted by the county commission from the fees of each such probate judge and paid into the judicial retirement fund in the state treasury, and credited to the individual account of the probate judge from whose fees it was deducted.

(b) Judges on salary. After the passage of this article, each probate judge compensated by salary, who elects to come under the Judicial Retirement Act or who comes under the provisions of the Judicial Retirement Act by operation of law, shall contribute to the judicial retirement fund annually, but payable in equal monthly installments, four and one-half percent of his salary. Such percentage shall be paid into the judicial retirement fund in the state treasury by each probate judge and credited to the individual account of the probate judge from whose salary it was deducted.

3-103. Procedure for pension.—Every probate judge who meets the requirements for retirement prescribed in this article shall be entitled to be retired and to receive a pension as hereinafter provided. Such retirement shall be on order of the board of control of the judicial retirement fund or on an order signed by the majority of the members of the supreme court, and upon the request of the probate judge to be retired.

3-104. Eligibility for retirement.—Any probate judge serving at the time of adoption of Amendment 328 to the Constitution of Alabama of 1901, as amended, who elects to become a member of the retirement fund hereby established and any probate judge, hereafter assuming such office may elect to be retired pursuant to this article who:

(a) has served as much as five years as a probate judge and who has become permanently, physically or mentally unable to carry out his or her duties on a full-time basis, proof of such disability being made by certificate of three reputable physicians; or

(b) has served as much as twelve years as a probate judge and has reached or passed the age of sixty-five years; or

(c) has served as much as fifteen years as probate judge, and who is not less than sixty-two years of age; or who has served as such for more than fifteen years and has attained age sixty-two less one year for each year of service in excess of fifteen, provided that such probate judge shall have attained not less than sixty (60) years of age; or

(d) has served continuously as much as ten years as probate judge and who is not less than seventy years of age; or

(e) has served for not less than eighteen years or three full terms, or a time equal to three full terms, as a probate judge, and who is not less than sixty (60) years of age.

3-105. Written declaration.—Any probate judge of the state who desires to be retired pursuant to this article shall file a written declaration relative to his or her intention to elect such retirement with the chief justice of the supreme court, who, upon finding the existence of the conditions prerequisite to such retirement, shall endorse his findings thereon and forward said declaration to the secretary-treasurer of the judicial retirement fund.

3-106. Benefits.—

(a) Retirement benefits. The annual retirement benefit payable to a probate judge retiring pursuant to section 3-104, subsection (b), (c), (d), and (e) of this article shall be seventy-five percent of the base sum or salary upon which said judge is paying the percentage as provided in section 3-102(a) and section 3-102(b) immediately prior to retirement. Such retirement benefit shall be payable monthly from the state treasury for the life of the beneficiary.

(b) Widows benefits. After the death of any probate judge who has held office for a minimum of five years, his spouse shall receive a yearly benefit from the state treasury equivalent to four hundred eighty dollars (\$480.00) per year multiplied by the number of years of service not to exceed ten years, payable monthly for the remainder of such spouse's life or until his or her remarriage.

(c) Disability benefits. Any probate judge retiring pursuant to section 3-104, subsection (a), who has served for ten years or more shall be entitled to a disability benefit allowance payable monthly from the judicial retirement fund equal to seventy-five percent of the base sum or salary specified in section 3-102, subsection (a) or (b), applicable at the time of retirement. If such disabled probate judge has served less than ten years he or she shall be entitled to receive from the state treasury a monthly disability benefit that is equal to twenty-five percent of such base sum or salary plus ten percent of such base sum or salary for each year of service in excess of five years.

(d) Any provision of this article to the contrary notwithstanding, a probate judge shall not be eligible to retire on service or otherwise receive service retirement benefits, on account of his or her participation in said fund, unless such member shall have attained sixty (60) years of age. However, nothing in this section 3-106, subsection (d), shall be construed as limiting, altering, or amending existing provisions of law relating to eligibility for entitlement to disability benefits.

3-107. Active duty status.—Every probate judge who has retired pursuant to this article, may, on the request of the chief justice be called to active duty status as a probate judge. Such retired probate judge shall be entitled to receive from the county in which he or she is serving, reimbursement for all reasonable and necessary expenses, including travel, incurred in the performance of such active duty. Such active duty status shall be terminated by the appointment of a person to fill the vacancy occupied by such retired probate judge or by an order of the appointing authority.



3-108. Office deemed vacant upon retirement of judge.—When a probate judge retires pursuant to this article the office then held by him shall become vacant and the vacancy shall be filled as provided by the Constitution.

3-109. Retirement program not applicable to supernumerary probate judges.—This article shall not apply to any supernumerary probate judge. No probate judge who elects to come under this article shall be eligible to receive benefits as a supernumerary probate judge, or benefits under any other state retirement program; provided, any probate judge retired hereunder may receive all social security benefits to which he or she is entitled and the receipt of such shall not diminish the retirement benefits herein provided. When a probate judge elects to come under this article all money paid to the county by such probate judge under the Supernumerary Probate Judges Act of 1969 shall immediately be paid into the judicial retirement fund in the state treasury.

3-110. Termination of service; withdrawal or credit for contribution.—Should the service of a probate judge be terminated prior to the time he or she is entitled to receive retirement benefits under this article, such probate judge shall have the right to elect to withdraw from the judicial retirement fund and to have refunded his or her contributions to the judicial retirement fund, plus accrued interest thereon, under the same rules and regulations and at the same rate governing the accrual and refund of interest under the employees' retirement system of Alabama; provided further, should such a probate judge not elect to withdraw from the judicial retirement fund he shall be entitled to receive a certificate from the secretary-treasurer of the employees' retirement system of Alabama showing the time of service he has accumulated toward retirement. If he has sufficient time of service for any retirement benefit herein provided upon reaching a retirement age, or upon his death, such certificate may be filed as proof of time of service with the chief justice of the supreme court.

3-111. Prohibited activity.—Any probate judge who becomes a member of the retirement fund hereby established, whether by election or operation of law, shall be prohibited from engaging in the practice of law while retired.

#### Article 4. DISTRICT COURT.

4-101. Establishment of district courts, abolition of courts of the respective counties; location of district courts; transition, preservation of pending actions and existing judgments.—

(a) Establishment. The district court of Alabama, a trial court of limited jurisdiction, is created and established, effective January 16, 1977, and shall be subdivided according to districts and may be styled the district court of the county.

(b) Location. Sessions of the district court shall be held in each county seat, each municipality containing a population of 1000 or more where no municipal court exists to be restricted to municipal cases, and at other locations within counties in which geographical venue, as described in section 4-107 of this article, lies in more than one place.

(c) Transition. All courts which are not authorized by Article 6 of the Constitution shall retain their power through January 15, 1977, at which time they shall be abolished. Judgments of courts which cease to exist at the end of that day shall continue in effect and the courts of the unified system are vested with jurisdiction to enforce such judgments. All cases

then pending in courts which cease to exist shall be transferred to the appropriate district or circuit court. Cases which could be filed in district court under the provisions of this article shall be transferred to the district court; provided, that any case containing a demand for a jury trial filed before January 15, 1977, which could have been granted in the court where filed, shall be transferred to the appropriate circuit court.

4-102. General civil jurisdiction.—The original civil jurisdiction of the district court of Alabama shall be uniform throughout the state, concurrent with the circuit court, except as otherwise herein provided, and include all civil actions in which the matter in controversy does not exceed five thousand dollars (\$5,000.00), and over civil actions based on unlawful detainer except that the district court shall not exercise jurisdiction over the following matters:

(a) actions seeking equitable relief other than:

(1) equitable questions arising in juvenile cases within the jurisdiction of the district court; and

(2) equitable defenses asserted or compulsory counterclaims filed by any party in any civil action within the jurisdiction of the district court;

(b) any actions enumerated in Rule 81 of the Alabama Rules of Civil Procedure other than:

(1) actions based in negligence against municipalities;

(2) actions seeking substitution of lost or destroyed records or instruments;

(3) summary motion proceedings; or

(4) relieving disabilities of non-age;

(c) actions seeking declaratory judgments; and

(d) appeals from probate or municipal courts.

4-103. Small claims cases.—The district court shall exercise exclusive jurisdiction over all civil actions in which the matter in controversy, exclusive of interest and costs, does not exceed five hundred dollars (\$500.00). These actions shall be placed on a small claims docket by each district court and shall be processed according to uniform rules of simplified civil procedure as may be promulgated by the supreme court.

4-104. Juvenile jurisdiction.—Juvenile jurisdiction shall be exercised by the district court as provided by law.

4-105. Adoption transfer jurisdiction; record of proceedings.—Adoption proceedings, primarily cognizable before the probate courts, may be transferred to district court on motion of a party to the proceeding in probate court. Probate court offices shall maintain records of all adoption proceedings.

4-106. Criminal jurisdiction.—

(a) Misdemeanors. The district court shall have exclusive original trial jurisdiction over prosecutions of all offenses defined by law or ordinance as misdemeanors, except:

(1) prosecutions by municipalities having municipal courts; and

(2) any such prosecution which also involves a felony offense which is within the exclusive jurisdiction of the circuit court, except as the district court is empowered to hold preliminary hearings with respect to felonies and to receive guilty pleas as provided in subsection (b) of this section.

(b) Pleas and dispositions. The district court may exercise original jurisdiction concurrent with the circuit court to receive pleas of guilty in prosecutions of offenses defined by law as felonies not punishable by sentence of death. In disposing of these and other cases within its criminal jurisdiction, the district court may impose and suspend sentences, place criminal defendants on probation, remit fines and court costs, and release defendants on personal recognizance in accordance with standards prescribed by law or rule; provided further that the court may enter an order authorizing the defendant to drive under the conditions set forth in the order.

(c) Defendant's bond for fine and costs. The district court may, on conviction of a defendant, upon a showing of inability to make immediate payment of fine and costs continue the case from time to time to permit the fine and costs to be paid.

(d) Extradition. The district court may exercise jurisdiction over proceedings relating to demands for extradition made by another jurisdiction pursuant to the laws of Alabama governing extradition.

(e) Traffic offenses.

(1) Definition. A "traffic infraction" is any violation of a statute, ordinance or regulation relating to the operation or use of motor or other vehicles or use of streets and highways by pedestrians.

(2) Jurisdiction. The district court shall have exclusive original jurisdiction of misdemeanor prosecutions for traffic infractions, except ordinance infractions prosecuted in municipal courts.

(3) Uniform traffic ticket and complaint.

(A) Every law enforcement agency in the state shall use traffic citations of the form known as the uniform traffic ticket and complaint, which shall be substantially uniform throughout the state and which shall be issued in books with citations in no less than quadruplicate.

(B) The uniform traffic ticket and complaint shall be used in traffic cases, where a complaint is made by a law enforcement officer or by any other person, or an information is filed by the district attorney.

(C) The judge or judges and the clerk of the district court shall designate personnel to be responsible for accounting for all uniform traffic tickets and complaints issued to law enforcement officers or others in his or their jurisdiction and for the proper disposition of the forms and shall cause to be prepared records and reports relating to the uniform traffic tickets and complaints in the manner and at the time as may be prescribed by rule of the supreme court.

(D) No law enforcement officer or other officer or public employee shall dispose of a uniform traffic ticket and complaint or any portion thereof or the record of issuance thereof in a manner other than as required under rules or regulations promulgated pursuant to this subsection. Any person who solicits or aids in the disposition, or attempted disposition, of a

uniform traffic ticket or summons or any portion thereof in any unauthorized manner is subject to the criminal contempt power of the district or municipal court.

(4) Summary disposition of minor traffic infractions. Pursuant to the provisions of subsection (g) relating to magistrates, magistrates may receive pleas of guilty in traffic infraction prosecutions, but may not receive pleas in matters involving:

- (A) violations resulting in personal injury;
- (B) operation of motor vehicle while intoxicated;
- (C) reckless driving;
- (D) felonies or indictable offenses;
- (E) operation of motor vehicles without operator's license or while license is suspended or revoked; or
- (F) a defendant convicted of two or more previous traffic offenses in the preceding twelve months.

(5) Fines. Schedules of fines to be imposed for traffic infractions shall be established by law or rule. The manner in which fines and costs shall be paid to and accounted for by personnel assigned to accept payment shall be provided by administrative rule.

(f) Preliminary hearings. The district court shall exercise exclusive jurisdiction to hold preliminary hearings in prosecutions for felonies. A preliminary hearing determination by the district court finding no probable cause shall not be res judicata with respect to the issue of probable cause and the state shall not be barred from proceeding further. Every person charged with and arrested for a felony before his indictment shall have an absolute right to a preliminary hearing on said charge upon such person's demand within thirty (30) days following said arrest; provided, however, that such person's failure or refusal to appear from such preliminary hearing or his absence from the state at the time of the setting for the preliminary hearing shall not delay or invalidate an indictment pursuant to said charge.

(g) Magistrates.

(1) District court administrative agency. The district court will have under its supervision a district court administrative agency empowered to provide expeditious service in connection with administrative adjudication of minor misdemeanors; the issuance of warrants; certain juvenile justice functions, as otherwise provided by this act; and other powers provided by law; provided, that the clerk of the district court shall have responsibility for administration of said clerk's office. The personnel designated by the judge or judges and the clerk of the district court as magistrates and referees in juvenile cases shall be considered as officials of such administrative agency. Such officials are vested with judicial power reasonably incident to the accomplishment of the purposes and responsibilities of the administrative agency; provided, however, that the clerk of the district court shall have responsibility for administration of said clerk's office.

(2) Magistrates. The magistrates shall be considered the chief officers of such administrative agency subject to the administrative direction of the clerk of the district court. The supreme court may, by rule,

prescribe procedures for the appointment of magistrates by class or position. In addition thereto, the supreme court may provide for the appointment of other magistrates by the administrative director of courts, upon recommendation and nomination by the judge or judges and the clerk of the district court under whom such magistrates are to serve. The powers of a magistrate shall be limited to:

(A) issuance of arrest warrants, and where such magistrate is licensed to practice law in Alabama, search warrants;

(B) granting of bail in minor misdemeanor prosecutions;

(C) receiving of pleas of guilty in minor misdemeanors where a schedule of fines has been prescribed by rule; and

(D) such other authority as may be granted by law.

(3) Rules of administration; bonding. The supreme court shall provide rules of administration for such administrative agency, including the bonding of all officials who will be handling money.

4-107. Venue. Venue in the district court lies in the county where venue would lie for civil or criminal actions brought in the circuit court except:

(a) in counties where venue has lain within an area of lesser geographic extent than the county for any categories of cases which were on December 18, 1973, within the jurisdiction of a court inferior to the circuit court, venue lies in such lesser geographic area;

(b) venue of prosecutions for violations of municipal ordinances shall be in the district court sitting in the municipality, or if none, the district court within the county and nearest to the municipality;

(c) if any action is filed in a court located where venue does not lie, any party may move to transfer the action to a location where venue may properly be laid; and

(d) additional locations for purposes of court sites may be designated by the administrative director of courts to serve the best interest and administration of justice.

4-108. Rules of civil procedure.—The Alabama Rules of Civil Procedure shall be applicable to all civil actions brought in the district court except as they are inconsistent with this article and except as the supreme court may otherwise provide by rule.

4-109. Trials in district court; transfer; primary and secondary systems.—

(a) The primary method of trial in the district court for civil cases shall be by the judge, who shall determine all issues of law and fact without a jury; provided, that in those districts where the primary method of trial is utilized, the following shall govern the rights of the parties to trials by jury in civil cases filed in the district court:

(1) In all civil cases where the amount in controversy shall exceed five hundred dollars (\$500.00), any defendant therein shall have the right to demand a trial by jury of the issues in said cause. Such demand shall be made in writing on his initial pleading or within 10 days after the last pleading directed to such issues. Upon the failure of the defendant to make such demand, the right to jury trial shall be deemed to have been waived by

him as to all further proceedings in said cause, including appeals to the circuit court.

(2) A plaintiff shall be deemed to have waived trial by jury by filing his case in the district court. Such waiver shall apply to all further proceedings in said cause including appeals to the circuit court.

(3) Upon demand by a defendant as set out in (1) above, the case shall be removed from the jurisdiction of the district court and shall be immediately transferred to the circuit court. The cause shall then proceed as if the same had been filed initially in the circuit court, and a jury had been demanded therein.

(b) A secondary system of trial in the district court in civil cases shall be available in any district. In those district courts where the secondary system shall be in operation, the trial of civil cases shall be by the judge, who shall determine all issues of law and fact without a jury.

(1) In those district courts where the secondary system shall be in operation, the parties to a civil appeal to the circuit court under section 4-111 shall have the right to a trial by jury only if:

(A) the appellant shall demand it in the notice of appeal; or

(B) the appellee shall file and serve a written demand for a jury in the circuit court within fourteen (14) days after service upon him of notice of appeal.

(c) The secondary method of trial in the district court for civil cases shall be available in any district, as follows:

(1) A written notice of the election to utilize the secondary system shall be filed with the supreme court, and shall be signed and approved by a majority of the district judges in said district and the presiding circuit judge of the circuit in which said district shall lie.

(2) Upon receipt of such notice of election, the supreme court shall determine whether such election is in the interest of the expeditious disposition of the work of the courts involved, and, if it so determines, may order the operation and implementation of the secondary system in such district. If the supreme court shall deny the implementation and operation of the secondary system, then the primary system shall remain in effect.

(3) The operation and utilization of the secondary system may be terminated in any district by the filing of a declaration in writing in the supreme court, said declaration to be signed and approved by all of the district judges in said district and the presiding circuit judge of the circuit in which said district lies, subject to the approval of the supreme court. Said declaration shall set forth the date of termination, which date shall not be less than 90 days from the date of the filing thereof.

(d) Trials in criminal cases. All criminal cases tried in the district court shall be tried by the judge, who shall determine all issues of law and fact without a jury.

4-110. Court of record.—

(a) The district court is a court of record.

(b) Records of proceedings shall be made, maintained and preserved according to rules promulgated by the supreme court, but neither reports

nor transcripts of proceedings shall be required except as provided by law or rule.

(c) Any party may employ a reporter or provide for a transcript of the proceedings on his own account.

4-111. Appeals.—

(a) Civil cases. Any party may appeal from a final judgment of the district court in a civil case by notice filed in the district court within fourteen days from the date of the judgment of the denial of a post-trial motion, whichever is later, together with security for costs as required by law or rule.

(1) In civil appeals under the secondary system set out in section 4-109 (b), an appellant shall be entitled to a jury trial in circuit court only if it is demanded in the notice of appeal, and an appellee shall have the right to trial by jury only if he shall file and serve a written demand for it within 14 days of service on him of notice of appeal.

(2) In civil appeals under the primary system set out in section 4-109 (a), the cause shall be tried in the circuit court without a jury where both parties have waived a jury trial as provided in section 4-109 (a), (1) and (2).

(b) Criminal cases. A defendant may appeal from a final judgment in a criminal case by filing notice, together with any bond required by law or rule within fourteen days from the date of judgment or the date of denial of posttrial motion, whichever is later. The state or a municipality may appeal only from a judgment holding a statute or ordinance invalid.

(c) To circuit court. Except as provided in paragraph (d) of this section and in section 5-152 (d) of this act, all appeals from final judgments of the district court in criminal cases shall be to the circuit court, for trial de novo. An appellant shall not be entitled to a jury trial in circuit court unless it is demanded in the notice of appeal, and an appellee shall have no right to a jury trial unless written demand is filed in circuit court within fourteen days of service upon him of notice of appeal.

(d) To appellate courts. Appeals in both civil and criminal cases shall be direct to the appropriate appellate court:

(1) If an adequate record or stipulation of facts is available and the right to a jury trial is waived by all parties entitled thereto; or

(2) if the parties stipulate that only questions of law are involved and the district court certifies the questions.

(e) Bonds on appeal. A supersedeas bond in twice the amount of the judgment shall be required of the appellant in civil appeals to the circuit court. Upon the filing of such supersedeas bond, and the timely filing of notice of appeal, execution of the judgment shall be stayed, pending final judgment on appeals. The supreme court may by rule require posting of bonds for costs in appeals.

4-112. Writs.—The district court may issue all writs necessary to preserve and enforce its jurisdiction and authority.

4-113. Election of district judges.—

(a) Boundaries of district court; primary duty to serve. District court boundaries, for the purpose of election of district court judges, shall

be coterminous with county boundaries unless otherwise provided herein in subsection (b); provided, that the geographic area for the purpose of election of district court judges shall not alter or modify venue for actions in the district court as otherwise provided by law. Judges shall have a primary duty to serve the district to which they are elected.

(b) Distribution. Each county shall constitute a district and shall have one (1) resident district judge except:

(1) Baldwin, Etowah, Morgan, Talladega, and Tuscaloosa Counties shall each have two (2) resident district judges;

(2) Madison and Montgomery Counties shall each have three (3) resident district judges;

(3) Mobile County shall have four (4) resident district judges;

(4) Jefferson County shall have twelve (12) resident district judges who shall be nominated and elected in the manner provided by law for the nomination and election of circuit judges in the county. Three of such district judges shall serve in the Bessemer division and nine shall serve in the Birmingham division;

(5) Lowndes, Butler and Crenshaw Counties shall constitute a district and shall have two (2) resident district judges; both being elected and running at large from the counties;

(6) Bibb and Hale Counties shall constitute a district and shall have one (1) resident district judge who shall be elected and run at large from both counties;

(7) Calhoun and Cleburne Counties shall constitute a district and shall have three (3) resident district judges; each being elected and running at large from the counties;

(8) Greene, Sumter and Marengo Counties shall constitute a district and shall have two (2) resident district judges; both judges being elected and running at large from the counties;

(9) Coosa and Clay Counties shall constitute a district and shall have one (1) resident district judge who shall be elected and run at large from both counties; and

(10) Walker County shall constitute a separate district and shall have two (2) resident district judges who shall be elected and run at large from Walker County.

(c) Commissioned judges.

(1) Notwithstanding the number of judges authorized for each district by subsection (b) above, additional district judges may be commissioned in any district where the number of judges entitled by the Constitution to receive commissions as district judges exceeds the number of positions authorized for the district; provided, that all commissions so issued shall expire on the first Monday after the second Tuesday in January following the next general election after completion of three years in office as a district judge.

(2) Judges seeking commissions pursuant to the Constitution must file a request for such commission with the secretary of state ten months prior to the date of the general election preceding the initiation date of the district court.



(3) If no judge files a request pursuant to paragraph (2) above, and if, after judges requesting commissions have been assigned to the judgeships established by subsection (b) above, and any of the positions authorized for each district remain unfilled, these positions shall be filled at the general election prior to the initiation date of the district court.

(4) If a judge, who filed a request pursuant to paragraph (2) above and has been designated to receive a commissioned term, or has been elected as provided in subsection (d) of this section, dies, or becomes disqualified prior to the initiation date of the district court, or is otherwise unable to assume office and such death, disability, or refusal to serve occurs at such a time that the judicial office created in subsection (b) cannot be filled prior to the initiation date of the district court, a vacancy shall be created in each such case. Any vacancy which exists upon the initiation date of the district court shall be filled as provided by law.

(d) Election. Each district judge, except for judges filling positions pursuant to subsection (c) above, shall be elected for a term of six years by the qualified voters of the district which he is to serve. In district with more than one district judge, each position shall be numbered and designated on primary and general election ballots.

(e) Qualifications. Candidates seeking to be elected as a district court judge shall be licensed to practice law in this state and shall file all necessary documents of qualification with the secretary of state as provided by law.

(f) Residence. Each district judge must have resided in the district from which he is elected, appointed or commissioned for at least twelve (12) months preceding his election or appointment and must reside in such district during his continuance in office.

4-114. Salary of district judges.—Each district judge shall be compensated by the state at a salary rate equal to ninety (90) percent of the base salary paid by the state to a circuit judge for the term for which the circuit judge has been elected. Provided, however, that district judges serving one county, in those counties in which county courts, general sessions courts, and other courts of inferior jurisdiction (except municipal courts) exist on the effective date of this act, shall each receive a supplemental salary from the general fund of such counties in an amount sufficient to maintain their total salaries at the same relationship which the salaries of the judges of said courts of inferior jurisdiction bear on the effective date of this act to salaries of circuit judges in their respective counties.

4-115. Vacancy filled by circuit judge.—In the event that a vacancy occurs in the judicial office of the district court, the presiding judge of the circuit shall designate a district or circuit judge (including himself) within the circuit to serve as the district court judge for the duration of such vacancy.

4-116. Supervision of district court.—The presiding judge of each circuit shall have general supervision of the administrative operation of the district courts within the circuit, subject to rules of the supreme court and the administrative authority of the chief justice.

4-117. Retirement of district judges; right to elect to come under the Judicial Retirement Act.—Each judge of a county court or full-time municipal court judge entitled to receive a commission as a district judge

pursuant to the Constitution shall have a right to elect to come under Act No. 1163, approved September 18, 1973, hereinafter referred to as the Judicial Retirement Act, in accord with the provisions of this article. Such election shall be made by written notice filed within 30 days from the issuance of the commission with the clerk of the supreme court and the secretary-treasurer of the judicial retirement fund. Each such judge of a county court shall also file notice of such election with the governing body of the county in which he resides. Each such full-time municipal court judge shall also file such notice with the governing body of the municipality ceasing to have a city or municipal court. Each district judge hereafter elected or appointed to office shall come under the provisions of the Judicial Retirement Act as a matter of law.

4-118. Contribution of judges.—After the effective date of this article each district judge who comes under the Judicial Retirement Act by election or by operation of law, shall contribute to the judicial retirement fund annually, payable in equal monthly installments, four and one-half percent of his or her annual compensation paid by the state of Alabama. Such percentages shall be deducted by the state comptroller from each such judge's salary and paid into the judicial retirement fund in the state treasury, and credited to the individual account of the judge from whose salary it was deducted.

4-119. Procedure for pension.—Every district judge who meets the requirements for retirement prescribed in this article shall be entitled to be retired and to receive a pension as hereinafter provided. Such retirement shall be on order of the board of control of the judicial retirement fund and upon the request of the district judge to be retired, or on an order signed by a majority of the members of the supreme court.

4-120. Eligibility for retirement.—Any district judge shall be eligible for retirement and may elect to be retired pursuant to this article, who:

(a) has served as much as five years as a district judge or judge of a county court immediately prior to retirement and has become permanently, physically or mentally, unable to carry out his duties on a full-time basis, proof of such disability being made by certificate of three reputable physicians; or

(b) has served for twelve years as a district judge or judge of a county court and has reached or passed the age of sixty-five years; or

(c) has served for fifteen years as a district judge or judge of a county court and is not less than sixty-two years of age; or has served as such for more than fifteen years and has attained age sixty-two less one year for each year of service in excess of fifteen; provided, however, that no district court judge shall retire under the provisions of this subsection prior to attaining the age of fifty-five (55); or

(d) has served continuously for ten years as a district judge or judge of a county court and is not less than seventy years of age; or

(e) has served for not less than eighteen years or three full terms, or a time equal to three full terms as a circuit judge, district judge, judge of a county court or any two or more of the positions, provided that he is not less than fifty-five (55) years of age.

(f) Any former judge of a county court, former district attorney or former deputy district attorney serving as circuit judge on the initiation

date of the district court shall have the right, within one year from the effective date of this article, to elect to come under all provisions of Act No. 1163, approved September 18, 1973, receiving prior service credit under such act for years served as a judge of a county court, district attorney or deputy district attorney to the same extent that years served as a circuit judge would render the circuit judge eligible for retirement, notwithstanding any contrary provisions of said Act No. 1163. The notice of election to come within this subsection shall be filed with the clerk of the supreme court.

(g) Any provision of this article to the contrary notwithstanding, a district court judge shall not be eligible to retire on service or otherwise receive service retirement benefits, on account of his or her participation in said fund, unless such member shall have attained fifty-five (55) years of age. However, nothing in this section 4-120, subsection (g) shall be construed as limiting, altering, or amending existing provisions of law relating to eligibility for entitlement to disability benefits.

4-121. Written declaration.—Any judge of the state who desires to be retired pursuant to this article shall file a written notice of election to retire with the chief justice of the supreme court, who, upon finding the existence of the conditions prerequisite to such retirement, shall endorse his findings thereon and forward said declaration to the secretary-treasurer of the judicial retirement fund.

4-122. Retirement benefits.—The annual retirement benefit payable to a judge retiring pursuant to section 4-120 subsection (b) through (e) of this article shall be ninety (90) percent of the retirement benefits payable by the state to circuit judges on the date such judge retires. Such retirement benefits shall be payable monthly for the life of the beneficiary and shall not be subject to writs of attachment or garnishment.

4-123. Widows benefits.—After the death of any district judge whom while serving as an intermediate court judge or as a district judge, has contributed or paid into a county retirement system or to a state retirement system, for a minimum of five years, his or her spouse shall receive a yearly benefit from the state equivalent to five hundred fifty dollars (\$550.00) multiplied by the judge's number of years of service as a district judge or as an intermediate court judge not to exceed ten (10) years, payable monthly for the remainder of such spouse's life or until his or her remarriage.

4-124. Disability benefits.—Any judge retiring pursuant to section 4-120(a) of this article who has served for ten years shall be entitled to a disability benefit allowance payable monthly from the judicial retirement fund equal to seventy-five (75) percent of the salary payable to the state for the position held at the time of retirement. A disabled judge who has served less than ten years shall be entitled to receive a monthly benefit equal to twenty-five (25) percent of the salary payable by the state for the position held at the time of retirement plus ten (10) percent of such salary for each year of service in excess of five years; provided, however, that in no event shall such judge receive less than thirty (30) percent of the annual salary being paid to a full-time district court judge by the state at the time of his or her retirement.

4-125. Active duty status.—Any district judge who has retired pursuant to this article may be called by the chief justice to temporary active duty in any court. The salary paid a retired district judge called to active duty shall be the salary paid a district judge in the district from

which said district judge retired or the salary paid a resident district court judge in the district to which the judge is assigned, whichever is greater. In no event, however, shall the total compensation paid to a retired district judge on active duty during any calendar year exceed a sum which is \$1,000.00 less than the compensation received by a regular judge in the district from which said judge is retired. Such active duty may be terminated by order of the chief justice at any time.

4-126. Office deemed vacant upon retirement of judge.—When a district judge retires pursuant to this article the office then held by him shall become vacant and the vacancy shall be filled as provided by the Constitution.

4-127. Antecedent employer retirement contributions paid into judicial retirement fund.—When a district judge elects to come under this article all money paid by the county or municipality into a retirement fund for the benefit of such judge shall immediately be paid into the judicial retirement fund on account of the judge electing to come under the article and the same shall be credited to him under the rules and regulations applicable to similar contributions under the employees' retirement system of Alabama.

4-128. Termination of service; withdrawal or credit for contribution.—Should the service of a district judge be terminated prior to the time said judge is entitled to receive retirement benefits under this article, such judge shall have the right to elect to withdraw from the judicial retirement fund and to have refunded his or her contributions to the judicial retirement fund, plus accrued interest thereon under the same rules, regulations and rates applicable to similar funds of contributions under the employees' retirement system; provided further, that should such a judge not elect to withdraw from the judicial retirement fund he or she shall be entitled to receive a certificate from the secretary-treasurer of the employees' retirement system of Alabama showing the time of service accumulated toward retirement. If any such judge has sufficient time of service for any retirement benefit herein provided upon reaching a retirement age, or upon death, such certificate may be filed as proof of time of service with the chief justice of the supreme court.

4-129. Prohibited activity.—Any district judge who becomes a member of the retirement fund hereby established shall be prohibited from engaging in the practice of law while retired.

4-130. Effective date.—Sections 4-117 through 4-128 of this article shall become effective on January 16, 1977, but all preparatory actions and procedures necessary to effectuate the intent and purpose of sections 4-117 through 4-128 shall be performed prior to the effective date.

4-131. District court prosecutions.—

(a) Administration. The district attorney of the circuit in which a district court is located shall have administrative responsibility for prosecutions in the district court, except municipalities retaining municipal courts shall furnish prosecutorial services in such courts and in appeals from such judgments and orders.

(b) County solicitors. On the initiation date of the district court, the functions of the position of county solicitor shall be performed by assistant district attorneys and the office of county solicitor shall be abolished. County solicitors serving terms to which they have been elected prior to

the initiation date may elect to become assistant district attorneys for the duration of their electoral terms without diminution of salary or expense payments.

(c) Personnel. The district attorney may appoint full-time or part-time assistant district attorneys to perform prosecutorial duties in the district courts within the circuit for which the district attorney shall have administrative responsibility. The number and compensation of such assistant district attorneys shall be as otherwise authorized or provided by law.

4-132. Continuation of financial support by counties from January 16, 1977 through September 30, 1977.

(a) All counties shall continue, from January 16, 1977 through September 30, 1977, to support court services within their respective counties at not less than the same level of expenditures for such court services during the fiscal year ending September 30, 1976; provided, that the county level of expenditure for court services may be decreased to the extent and for individual items, formerly paid by the county, assumed by the state on January 16, 1977.

(b) All authorized appropriations for court services of any kind, including but not limited to county solicitors, assistant district attorneys and other prosecution and defense expenses, in effect on January 15, 1977, for county courts to be abolished and replaced by district courts and for circuit courts shall continue to be provided by the counties from January 16, 1977 through September 30, 1977, for district and circuit court services.

4-133. Contempts.—In all matters before the district court, the district court or judges thereof shall have and possess power to punish for contempts as heretofore or hereafter granted to the circuit courts by law, in Title 13, Section 143, of the Code of Alabama or otherwise, and by the common law of this state.

4-134. Express repealer.—

(a) The following sections of Title 13 of the Code of Alabama, 1940, are hereby expressly repealed: Section 313, entitled "Probate judge ex-officio judge of county court; official oath;" Section 314, entitled "Compensation of judge;" Section 315, entitled "Clerks of circuit courts are ex-officio clerks;" Section 316, entitled "Fees of clerks;" Section 317, entitled "Bond of clerks;" Section 318, entitled "Deputy clerk; when provided;" Section 319, entitled "Not applicable where clerk receives salary;" Section 320, entitled "Terms attended by sheriff, etc.; his fees;" Section 321, entitled "Jurisdiction of county courts;" Section 322, entitled "Monthly terms held;" Section 323, entitled "Forfeiture for failing to hold county court; how recovered;" Section 324, entitled "Regular and special terms in cities or towns mentioned;" Section 325, entitled "Courts always open for trial of certain cases;" Section 326, entitled "Trial and proceedings in county courts; mode of appeal;" Section 327, entitled "Warrant of arrest issued by judge or justice on affidavit;" Section 328, entitled "Form of warrant;" Section 329, entitled "By whom warrant executed;" Section 330, entitled "Speedy trial; continuance;" Section 331, entitled "Bail; form of undertaking;" Section 332, entitled "Bail taken by arresting officer;" Section 333, entitled "Subpoenas; by whom issued and executed;" Section 334, entitled "Form of subpoena;" Section 335, entitled "Judgment nisi on default of appearance;" Section 336, entitled

"Scire facias thereon;" Section 337, entitled "Judgment final on default;" Section 338, entitled "Remission of forfeiture;" Section 339, entitled "Judgment against defaulting witness;" Section 340, entitled "Alias warrant of arrest or subpoena;" Section 341, entitled "Copy of accusation delivered to defendant on demand;" Section 345, entitled "When judgment for costs against prosecutor;" Section 346, entitled "Jeofails and amendments;" Section 349, entitled "Appeal to circuit court; appeal bond;" Section 384, entitled "No jurisdiction to sentence to hard labor for costs;" Section 385, entitled "Two justices for each precinct; term of office;" Section 386, entitled "Vacancies; how filled, etc.;" Section 387, entitled "Notice of vacancy;" Section 388, entitled "Bond; by whom approved;" Section 389, entitled "Jurisdiction;" Section 390, entitled "Authority;" Section 391, entitled "Duties;" Section 392, entitled "Removal from precinct vacates office;" Section 393, entitled "Transfer of jurisdiction upon abolition;" Section 394, entitled "Time and place of trial;" Section 395, entitled "How suits commenced; form of summons;" Section 396, entitled "Service of summons;" Section 397, as amended, entitled "In what precinct suit to be brought;" Section 398, entitled "Agreement as to bringing suit in precinct other than where it is authorized, void;" Section 399, entitled "When there are several defendants;" Section 400, entitled "When there is no justice in precinct;" Section 401, entitled "When branch summons may issue;" Section 402, entitled "What circuit court rules applicable;" Section 403, entitled "Set-off and recoupment in such suits;" Section 404, entitled "Judgments in detinue;" Section 405, entitled "Effect of death of either party;" Section 406, entitled "Judgment by default or nil dicit;" Section 407, entitled "Effect of judgment as a bar;" Section 408, entitled "Evidence of judgment;" Section 409, entitled "Completion of unfinished business on vacancy in office;" Section 410, entitled "Taking of depositions and examination of witnesses;" Section 411, entitled "Issue and service of subpoenas;" Section 412, entitled "Service of subpoena in another county;" Section 413, entitled "Fine against defaulting witness;" Section 414, entitled "Attendance, how enforced, liability;" Section 415, entitled "Fees to witnesses;" Section 416, entitled "Territorial jurisdiction of justices of the peace in criminal matters;" Section 417, entitled "Jurisdiction as to offenses;" Section 418, entitled "Required to keep docket and exhibit it to grand jury; other duties;" Section 419, entitled "Failure of justice to keep and report docket of criminal cases;" Section 420, entitled "Failure of justice, notary or constable to report any pay over fines;" Section 421, entitled "Copy of accusation delivered to defendant on demand;" Section 422, entitled "Forms; same as in county court;" Section 423, entitled "Justice to decide law and facts without jury;" Section 424, entitled "Proceedings when defendant demands trial by jury;" Section 425, entitled "Trial; continuances;" Section 426, entitled "Subpoenas and attachments for witnesses;" Section 427, entitled "Proceedings against defaulting witnesses;" Section 428, as amended, entitled "Appeal to circuit court, appeal bond;" Section 429, entitled "Appeal; how tried;" Section 430, entitled "Attachments returnable before justices;" Section 431, entitled "What provisions applicable;" Section 432, entitled "Form of attachment;" Section 433, entitled "Notice of levy on real estate;" Section 434, entitled "What cannot be attached;" Section 435, entitled "Sale of property attached before judgment;" Section 436, entitled "When property replevied to be delivered; execution on forfeited bond;" Section 437, entitled "Execution for balance of judgment unsatisfied;" Section 438, entitled "What provisions applicable, exception;" Section 439,

entitled "Answer to garnishee; evidence on appeal;" Section 440, entitled "Contest of garnishee's answer and collateral issues tried without jury;" Section 441, entitled "Execution for balance of judgment unsatisfied;" Section 442, entitled "Sale of land when garnishee answers indebtedness for purchase money;" Section 443, entitled "Rendered on motion and five days' notice;" Section 444, entitled "Against justices for acting after vacating office;" Section 445, entitled "Against justices for failing to pay over money;" Section 446, entitled "Against constables for acting after vacating office;" Section 447, entitled "Against constables or sheriffs for failure to make money;" Section 448, entitled "Against constables or sheriffs for failure to pay over money;" Section 449, entitled "Against constables or sheriffs for failure to execute summons;" Section 450, entitled "Against constables or sheriffs for failure to levy an attachment;" Section 451, entitled "Against constable or sheriff for failure to make return, or for making false return;" Section 452, entitled "In favor of constables or sheriffs in indemnity bond;" Section 453, entitled "Venue of motion; judgment against surety;" Section 454, entitled "Limitation of certain motions;" Section 455, entitled "When motion made in circuit court;" Section 456, entitled "Issue and return of executions;" Section 457, entitled "Form of execution;" Section 458, entitled "When may be issued immediately;" Section 459, entitled "When execution may be stayed;" Section 460, entitled "Execution to another county;" Section 461, entitled "By whom executed;" Section 462, entitled "Lien of execution;" Section 463, entitled "Order of payment of several executions against same defendant;" Section 464, entitled "When indemnity may be required;" Section 465, entitled "Forthcoming bond, effect of;" Section 466, entitled "Execution issues on forfeiture of bond; no stay allowed;" Section 467, entitled "Proceedings on forfeited bond, when execution issued from another county;" Section 468, entitled "Defects in form do not affect bond;" Section 469, entitled "Time and place of sale of personal property;" Section 470, entitled "Notice of sale;" Section 471, entitled "Levy on land; when made, and proceedings thereunder;" Section 472, entitled "Notice of levy on land;" Section 473, entitled "Sale of land ordered on motion;" Section 474, entitled "Record and writ for sale of land;" Section 475, entitled "Issue of alias execution without revival;" Section 476, entitled "When scire facias necessary; bar to revival or judgment;" Section 477, entitled "Appeals from judgments before justices or courts of like jurisdiction;" Section 478, entitled "Bond for appeal of certiorari;" Section 479, entitled "Amount of bond for appeal or certiorari;" Section 480, entitled "Papers and statement of the case to be returned to the clerk;" Section 481, entitled "Notice of appeal to be served on appellee;" Section 482, entitled "How notice served when appellee moves out of the county;" Section 483, entitled "Defects in bond may be cured;" Section 484, entitled "When and how cases on appeal shall be tried;" Section 485, entitled "Attachments; what defects cured by appeal;" Section 486, entitled "What case tried without a jury;" Section 487, entitled "Damages assessed if appeal taken for delay;" Section 488, entitled "Costs; how taxed;" Section 489, entitled "On affirmance judgment rendered also against sureties;" Section 490, entitled "Procedendo, when and how issued;" Section 491, entitled "Procedendo, when justice vacates office pending appeal;" Section 492, entitled "How judgment in such case established when docket has been lost;" Section 493, entitled "Blanks furnished justices of the peace by probate judges;" Section 494, entitled "Payment for blanks, by commissioners' courts;" Section 495, entitled "Forms for justices of the peace in civil proceedings;" Section 496, entitled "Forms applicable to criminal proceedings before justice of peace."

(b) The following acts or sections of acts are hereby expressly repealed: Act No. 764, approved September 17, 1953 (Section 428[1] of Title 13 of the Recompiled Code); and Act No. 535, approved January 1, 1954 (Sections 497-505 of Title 13 of the Recompiled Code).

#### Article 5. JUVENILE PROCEEDINGS.

##### 5-101. Definitions.—As used in this article:

- (a) “adult” means an individual 19 years of age or older;
- (b) “aftercare” means such conditions and supervision as the court orders after release of legal custody;
- (c) “child” prior to January 1, 1978, means an individual under the age of 17; or under 19 years of age who committed the act of delinquency with which he is charged before reaching the age of 17 years. After December 31, 1977, “child” means an individual under the age of 18; or under 19 years of age and who committed the act of delinquency with which he is charged before reaching the age of 18 years;
- (d) “child in need of supervision” means a child who:
  - (1) being subject to compulsory school attendance, is habitually truant from school; or
  - (2) disobeys the reasonable and lawful demands of his parents, guardian or other custodian and is beyond their control; or
  - (3) has committed an offense established by law but not classified as criminal or one applicable only to children; and
  - (4) in any of the foregoing is in need of care or rehabilitation;
- (e) “commit” means to transfer legal and physical custody;
- (f) “consent decree” means an order, entered after the filing of a delinquency petition and before the entry of an adjudication order, suspending the proceedings and continuing the case of the child under supervision in the child’s own home, under terms and conditions agreed to by all parties concerned;
- (g) “court” or “juvenile court” means the juvenile division of the district court as established by this Act;
- (h) “delinquent act” means an act designated a crime under the law of this state, or of another state if the act occurred in another state, or under federal law, or a violation of a municipal ordinance; however, traffic offenses committed by one 16 years of age or older shall be excepted unless transferred to the juvenile court by the court having jurisdiction;
- (i) “delinquent child” means a child who has committed a delinquent act and is in need of care or rehabilitation;
- (j) “dependent child” means a child:
  - (1) who, for any reason a destitute, homeless, or dependent on the public for support; or
  - (2) who is without a parent or guardian able to provide for his support, training or education; or
  - (3) whose custody is the subject of controversy; or



(4) whose home, by reason of neglect, cruelty, or depravity, on the part of his parent, parents, guardian, or other person in whose care he may be, is an unfit and improper place for him; or

(5) whose parent, parents, guardian, or other custodian neglects or refuses, when able to do so or when such service is offered without charge, to provide or allow medical, surgical or other care necessary for such child's health or well being; or

(6) who is in such condition or surroundings or is under such improper or insufficient guardianship or control as to endanger his morals, health, or general welfare; or

(7) who has no proper parental care or guardianship; or

(8) whose parent, parents, guardian or custodian fail, refuse or neglect to send such child to school in accordance with the terms of the compulsory school attendance laws of this state; or

(9) who has been abandoned by his parents, guardian or other custodian; or

(10) who is physically, mentally or emotionally abused by his parents, guardian or other custodian or who is without proper parental care and control necessary for his well-being because of the faults or habits of his parents, guardian or other custodian or their neglect or refusal, when able to do so, to provide them; or

(11) whose parents, guardian or other custodian are unable to discharge their responsibilities to and for the child; or

(12) who has been placed for care or adoption in violation of the law; or

(13) who for any other cause is in need of the care and protection of the state; and

(14) in any of the foregoing is in need of care or supervision;

(k) "detention care" means the temporary care of delinquent children or children alleged to be delinquent in secure custody pending court disposition or transfer to a residential facility or further care of a child adjudicated a delinquent, provided, however, that detention care may also include temporary care of children in need of supervision until January 1, 1978;

(l) "guardian ad litem" means a licensed lawyer appointed by a court to defend or represent a child in any suit to which he may be a party;

(m) "intake office" means the office in the probation service or designee of the judge with the duty of primary contact with the law enforcement agency and complainants of children coming under the jurisdiction of the court;

(n) "judge" means judge of the juvenile court as prescribed by this article;

(o) "law enforcement officer" means any person, however denominated, i.e., constable, sheriff or police officer, who is authorized by law to exercise the police powers of the state or local governments;

(p) "legal custodian" means a person, agency or department other than a parent or legal guardian, to whom legal custody of the child has been given by court, or who has been given legal custody by court order, or who is acting in loco parentis;

(q) "legal custody" means a legal status created by court order which vests in a custodian the right to have physical custody of the child and to determine where and with whom he shall live within the state, and the right and duty to protect, train and discipline him and to provide him with food, shelter, clothing, education and ordinary medical care, all subject to the powers, rights, duties and responsibilities of the guardian of the person of the child and subject to any residual parental rights and responsibilities. An individual granted legal custody shall exercise the rights and responsibilities personally unless otherwise authorized by the juvenile court;

(r) "minor" means an individual who is under the age of 19 years and is not a "child" within the meaning of this article;

(s) "probation" means the legal status created by court order following an adjudication of delinquency or in need of supervision whereby a child is permitted to remain in a community subject to supervision and return to court for violation of probation at any time during the period of probation;

(t) "protective supervision" means a legal status created by court order following an adjudication of dependency whereby a child is permitted to remain in his home subject to supervision, and to return to the court for violation of protective supervision at any time during the period of protective supervision;

(u) "residential facility" means a dwelling, other than a detention or shelter care facility, providing living accommodations, care, treatment and maintenance for children, including institutions, foster family homes, group homes, halfway houses, forestry camps, and where not operated by a public agency, is licensed or approved to provide such care;

(v) "residual parental rights and responsibilities" means those rights and responsibilities remaining with the parent after the transfer of legal custody or guardianship of the person, including but not necessarily limited to the right of visitation, consent to adoption, the right to determine religious affiliation, and the responsibility for support;

(w) "shelter care" means the temporary care of children in group homes, foster care or other non-penal facilities;

(x) the singular includes the plural, the plural the singular, the masculine the feminine, and the feminine the masculine, when consistent with the intent of this article.

5-102. Juvenile court; power and authority.—Juvenile jurisdiction shall be exercised by the district court, sitting as the juvenile court. The juvenile court shall keep a docket which shall be separate and distinct from any other docket kept in said court, and the orders and decrees of the court relating to such cases shall be entered in a separate minute book. The supreme court shall promulgate rules governing procedure in the juvenile court. Juvenile courts shall have full power and authority to issue all writs and processes necessary to the exercise of such jurisdiction and to the carrying out of the purposes of this article. The judge of the court shall have power to issue writs of arrest and of habeas corpus to have brought

before the court children alleged to be dependent, delinquent or in need of supervision, to be dealt with by said court under the terms of this article. The court shall have and exercise the jurisdiction and equity power possessed by courts in this state.

**5-103. Juvenile judge; assignments; powers and duties. —**

(a) The judge of the district court shall serve as the juvenile court judge; in those districts having more than one district court judge, the presiding circuit court judge shall designate from time to time a district court judge who shall serve as the judge hearing juvenile cases. The presiding judge of every judicial circuit shall have the power to assign a circuit judge to hear all juvenile matters as an ex-officio district court judge whenever such an assignment is deemed necessary and desirable. Any circuit judge so assigned to duty in the district court may, on motion of any party or on his own motion, transfer those cases over which he is assigned to the circuit court docket.

(b) It is the duty of the judges of the juvenile courts to make on or before the tenth day of each month a report upon the work of the juvenile courts presiding over by them. All reports required by this section shall be made in compliance with rules of procedure promulgated by the supreme court.

**5-104. Appointment of referees; duties. —**

(a) The judge may appoint one or more persons to serve as referees on a full- or part-time basis subject to approval of the administrative director of courts. Referees shall be licensed to practice law in this state; provided that referees serving as such for ten or more years on the effective date of this Act will not be required to be members of the bar of this state.

(b) The judge may direct that hearings in any case or class of cases be conducted in the first instance by a referee unless:

(1) the hearing is one to determine whether a case shall be transferred for criminal prosecution; or

(2) a party objects to the hearing being held by a referee.

(c) Upon the conclusion of a hearing before a referee, he shall transmit in writing his findings and recommendations for disposition to the judge. Written notice of the findings and recommendations together with copies thereof shall be given to the parties to the proceeding. The written notice shall also inform them of the right to a rehearing before the judge.

(d) A rehearing before the judge may be ordered by the judge at any time and shall be ordered if any party files a written request therefor within 14 days after receipt of the referee's written notice. Upon rehearing, when adequate records have been kept in the proceedings before the referee, the court shall review the record and, in the discretion of the judge, may admit new evidence. If the referee has not kept adequate records, the rehearing shall be de novo.

(e) If a hearing before the judge is not requested, or ordered, or the right thereto is waived, the findings and recommendations of the referee, if conformed by an order of the judge, or as modified by the judge, shall become the decree of the court.

5-105. Probation services; appointment of probation officers; powers and duties; duties of department of pensions and security.—

(a) The court may appoint one or more probation officers as otherwise authorized by law, certified by the department of youth services, who shall serve at the pleasure of the court. If more than one probation officer is appointed, one may be designated by the court as the chief probation officer or director of probation services, who shall be responsible for the administration of the probation services under the direction of the court.

(b) For the purpose of carrying out the objectives and purposes of this article and subject to the limitations of this article or imposed by the court, a probation officer shall:

(1) make investigations, reports, and recommendations to the juvenile court;

(2) receive and examine complaints and allegations of delinquency, in need of supervision, or dependency of a child for the purpose of considering the commencement of proceedings under this article;

(3) refer to the department of pensions and security for investigations, reports and recommendations those complaints and allegations of dependency or other appropriate matters, and may refer to the department of pensions and security for investigations, reports and recommendations those complaints on children in need of supervision;

(4) supervise and assist a child placed on probation or in his protective supervision or aftercare by order of the court or other authority of law;

(5) make appropriate referrals to other private or public agencies of the community if their assistance appears to be needed or desirable;

(6) make predisposition studies and submit reports and recommendations to the court as required by this article, except as provided in subsection (b) (3) above;

(7) perform such other functions as are designated by this article or directed by the court.

(c) For the purposes of this article, a probation officer or representative of the department of pensions and security, with the approval of the court, shall have the power to take into custody and place in shelter or detention care a child who is under his supervision as a delinquent, in need of supervision or dependent when the probation officer or representative of the department of pensions and security has reasonable cause to believe that the child has violated the conditions of his probation, aftercare or terms of protective supervision, or that he may flee from the jurisdiction of the court. A probation officer does not have the powers of a law enforcement officer nor may he sign a petition under this article with respect to a person who is not on probation or otherwise under his supervision.

(d) If a probation officer or representative of the department of pensions and security takes a child into custody, he shall proceed as provided for in section 5-120 of this article.

5-106. Advisory board; duties.—

(a) The judge of the juvenile court may appoint not less than five nor more than twenty-five citizens of the district, known for their interest in the welfare of children, who shall serve without compensation, to constitute and be the advisory board of the juvenile court in matters relating to the welfare of children. Such advisory board shall organize by electing such officers and by adopting such by-laws, rules and regulations for its government as it shall deem best for the purposes of this article. Such board shall hold office at the pleasure of the court or of the judge thereof.

(b) The duties of the advisory board shall be as follows:

(1) to assist the court in securing the services of volunteer probation officers when the services of such officers shall be deemed necessary or desirable;

(2) to visit institutions which are charged with caring for children, and whenever practicable, other institutions to which the court, from time to time, may make commitments;

(3) to advise and cooperate with the court upon all matters relating to the welfare of children;

(4) to recommend to the court any and all needful measures for the purpose of carrying out the provisions and intent of this article and to make themselves familiar with the work of the court under this article; and

(5) to make, from time to time, a report to the public of the work of such court.

5-107. District attorney.—The district attorney of the judicial circuit in which the case is pending may exercise his authority in all cases arising under this article. The juvenile court may call upon the district attorney to assist the court in any proceeding under this article. It shall be the duty of such district attorney to render such assistance when so requested. Said district attorney shall represent the state in all cases arising under this article appealed from the juvenile court.

5-108. Jurisdiction; children.—

(a) The juvenile court shall exercise exclusive original jurisdiction of the following proceedings, which are governed by this article:

(1) proceedings in which a child is alleged to be delinquent, dependent, or in need of supervision; and

(2) proceedings involving traffic offenses which have been transferred to the juvenile court pursuant to section 5-112(b) of this article.

(b) The court shall also exercise exclusive original jurisdiction of the following proceedings, which shall be governed by the laws relating thereto:

(1) proceedings to determine custody or to appoint a legal custodian or guardian of the person of a child when the child is otherwise before the court. However, this shall not be construed to deprive other courts of the right to determine the custody or guardianship of the person or children when such custody or guardianship is incidental to the determination of causes pending in those courts. Such courts, however, may certify said questions to the juvenile court for hearing and determination or recommendation;

(2) removal of disabilities of non-age, including judicial consent to marriage, employment or enlistment when such consent is required by law;

(3) proceedings under the interstate compact on juveniles;

(4) proceedings for the commitment of a mentally inferior or feeble-minded child;

(5) proceedings for the adoption of a child when such proceedings have been removed from probate court on motion of any party to the proceedings; and

(6) termination of parental rights.

(c) The court shall have original jurisdiction in proceedings;

(1) (a) concerning any child who is in a situation subjecting him to physical, mental or emotional abuse, or is in clear and present danger of suffering lasting or permanent damage; or

(b) concerning any child who requires emergency medical treatment in order to preserve his life, prevent permanent physical impairment or deformity, or alleviate prolonged agonizing pain; or

(2) where it is alleged that a child's rights are improperly denied or infringed in proceedings resulting in suspension, expulsion or exclusion from a public school.

5-109. Jurisdiction; minors; adults.—The court shall have exclusive original jurisdiction:

(a) to try any minor or adult charged with:

(1) aiding, encouraging, or causing any child to become or remain delinquent, in need of supervision or dependent;

(2) disregarding or failing to obey any lawful order made by the judge of the juvenile court or interfering with the custody of any child under the jurisdiction of the juvenile court;

(3) interfering with the custody of, or removal or attempting to remove any dependent or delinquent child, or one in need of supervision, or one so alleged to be, or any child whose custody is the subject of controversy in said court, or who is in the custody of the court, or of a probation officer or any other officer or person designated by the court as a special officer, or any such child who has been by said court committed to any person, persons, institutions, associations, corporation, agency, department of youth services or department of pensions and security under the terms of this article;

(4) knowingly interfering with, opposing, or otherwise obstructing any probation officer or representative of the department of pensions and security in the performance of his duties under this article; or

(5) any offenses proscribed in sections 5-141(d), 5-142(c), or 5-143(e) of this article;

(b) in proceedings to establish paternity of a child born out of wedlock; or

(c) to try any minor or adult charged with desertion and non-support in violation of law.

**5-110. Retention of jurisdiction. —**

(a) For the purposes of this article, jurisdiction obtained by the court in the case of a child shall be retained by it until the child becomes 21 years of age unless terminated prior thereto by order of the judge of the juvenile court. This section shall not be construed to affect the jurisdiction of other courts over offenses committed by the child after he reaches the age of 18 years.

(b) If a minor already under jurisdiction of the court is convicted in a criminal court of a crime committed after the age of 18, the conviction shall terminate the jurisdiction of the juvenile court.

**5-111. Venue. —**

(a) If delinquency or in need of supervision is alleged, proceedings shall be commenced in the district where the acts constituting the allegation occurred.

(b) If dependency is alleged, proceedings shall be commenced in the district where the child resides or in the district where the child is present when the proceedings are commenced.

**5-112. Transfer from other courts. —**

(a) If it shall be ascertained during the pendency of a criminal or quasi-criminal charge that a defendant was a child as defined in this article at the time of the alleged offense, that court, which shall have the duty to ascertain such age, shall forthwith transfer the case, together with all the papers, documents, and transcripts of any testimony connected therewith, to the juvenile court. The transferring court shall order that the juvenile be taken forthwith to the place of detention designated by the juvenile court or to the juvenile court itself, or shall release him to the custody of his parent or guardian or other person legally responsible for him or under his own recognizance to be brought before the court at a time designated by it. The accusatory pleading may serve in lieu of a petition in the juvenile court, unless that court directs the filing of a petition. The juvenile court shall then proceed as provided in this article; all action taken by the court prior to transfer of the case shall be deemed null and void unless the juvenile court transfers under section 5-129.

(b) Any court exercising jurisdiction over traffic offenses may transfer any case involving an alleged traffic offense by a child as defined in this article to the juvenile court for adjudication as an act of delinquency.

**5-113. Transfer to another juvenile court within the state. —**If the child resides in a district of the state and the proceeding is commenced in a court of another district, that court, on its own motion or a motion of a party may transfer the proceeding to the district of the child's residence for such further action or proceedings as the court receiving the transfer may deem proper. Like transfer may be made if the residence of the child changes pending the proceeding. The proceeding shall be so transferred if the child has been adjudicated delinquent, or in need of supervision, and other proceedings involving the child are pending in the juvenile court of the district of his residence. Certified copies of all legal and social records pertaining to the case shall accompany the transfer.

**5-114. Initiation of Cases. —**Cases before the court shall be initiated by the filing of a petition by the intake officer who shall receive verified

complaints and proceed thereon pursuant to rules of procedure adopted by the supreme court.

5-115. Petitions; who may sign; contents.—

(a) A petition may be signed by any person who has knowledge of the facts alleged or is informed of them and believes that they are true.

(b) A petition shall be entitled, "In the matter of \_\_\_\_\_, a child", and shall be verified by the person who signs it. The court may request the district attorney or his designated assistant to assist the court in all proceedings. The petition shall set forth with specificity:

(1) the facts which bring the child within the jurisdiction of the court, the facts constituting the dependency, delinquency, or need of supervision, and that the child is in need of supervision, treatment, rehabilitation, care, or the protection of the state, as the case may be;

(2) the name, age, and residence address, if any, of the child on whose behalf the petition is brought;

(3) the names and residence addresses, if known to the petitioner, of the parents, guardian, or custodian of the child. If no parent, guardian or custodian resides or can be found within the state or if their respective places of residence are unknown, the name of any known adult relative residing within the district or, if there be none, the known adult relative residing nearest to the location of the court; and

(4) if the child in custody is delinquent or in need of supervision, the place of his detention and the time he was taken into custody.

(c) When any of the facts hereinabove required are not known, except the facts required by subsection (b) (4), the petition shall so state.

5-116. Informal adjustment.—

(a) Before a petition alleging delinquency or in need of supervision is filed, the probation officer or other officer of the court designated by it, subject to its direction, may give counsel and advice to the parties for the purpose of an informal adjustment pursuant to rules of procedure adopted by the supreme court.

5-117. Summons.—

(a) After a petition alleging delinquency, in need of supervision, or dependency has been filed, the court shall direct the issuance of summonses; one directed to the child, if the child is 12 or more years of age, and another to the parents, guardian, or other custodian, and such other persons as appear to the court to be proper or necessary parties to the proceedings, requiring them to appear personally before the court at the time fixed to answer or testify as to the allegations of the petition. Where the custodian is summoned, the parent or guardian or both shall also be served with a summons.

(b) A copy of the petition shall be attached to each summons.

(c) The court may endorse upon the summons an order directing the parents, guardian, or other custodian having the custody or control of the child to bring the child to the hearing.

(d) If it appears from affidavit or sworn statement presented to the court that the child needs to be placed in detention or shelter or other care,



the court may endorse upon the summons an order that an officer serving the summons shall at once take the child into custody and take him to the place of detention or shelter or other care designated by the court.

(e) A party, other than the child, may waive service of summons by written stipulation or by voluntary appearance at the hearing.

5-118. Service of summons.—Service of summons in cases coming within this article shall be pursuant to rules of procedure adopted by the supreme court.

5-119. Taking into custody.—A child may be taken into custody:

(a) pursuant to an order of the court under sections 5-117 and 5-120;

(b) for a delinquent act pursuant to the laws of arrest;

(c) by a law enforcement officer having reasonable grounds to believe that the child has run away from a detention, residential, shelter or other care facility;

(d) by a law enforcement officer having reasonable grounds to believe that the child is suffering from illness or injury or is in immediate danger from the child's surroundings and that the child's immediate removal from such surroundings is necessary for the protection of the health and safety of such child;

(e) by a law enforcement officer who has reasonable grounds to believe that the child has run away from his parents, guardian or other custodian;

(f) by a law enforcement officer who has reasonable grounds to believe that the child has no parent, guardian, custodian or other suitable person willing and able to provide supervision and care for such child;

(g) by a probation officer or representative of the department of pensions and security, pursuant to section 5-105; or

(h) by a law enforcement officer pursuant to an order of the court directing that a child be taken into custody pending hearing on allegations that the child is suffering from illness or injury or is in immediate danger from his surroundings and ordering that the child's immediate removal from such surroundings is necessary for the protection of the health and safety of such child.

5-120. Release; referral; delivery of child.—

(a) A person taking a child into custody shall, with all possible speed, and in accordance with the provisions of this article and the rules of court pursuant thereto:

(1) release the child to such child's parents, guardian, custodian or other suitable person able and willing to provide supervision and care for such child and issue oral counsel and warning as may be appropriate;

(2) release the child to the child's parents, guardian or custodian upon their promise to bring the child before the court when requested, unless the child's placement in detention or shelter care appears required;

(3) if not released, bring the child to the intake office of probation services or deliver the child to a place of detention or shelter care

designated by the court and, in the most expeditious manner possible, give notice of the action taken, together with a statement of the reasons for taking the child into custody, in writing to the intake office, to the court, and to the parent, guardian or other custodian of the child, and in the case of dependency, to the department of pensions and security.

(b) Whenever a child, taken into custody pursuant to the provisions of this article, is brought to a shelter or other care facility established or approved by the department of pensions and security or the department of youth services or to the intake office, the person in charge of such intake office or the representative of the department of pensions and security, prior to admitting the child for care, shall review the need for detention or shelter care and shall release the child unless detention or shelter care is required under section 5-121 or has been ordered by the court.

(c) If a parent, guardian, or other custodian fails, when requested, to bring the child before the court as provided in subsection (a) (2), the court may issue its order directing that the child be taken into custody and brought before the court.

(d) A person taking a child into custody pursuant to the provisions of subsections (a) and (g) of section 5-119 shall bring the child to the place of detention or shelter care or to the intake office which shall thereupon proceed in accordance with the provisions of this article.

(e) A person taking a child into custody pursuant to subsection (d) of section 5-119 shall bring the child to a medical or mental health facility designated by the court if the child is believed to be suffering from a serious mental health condition, illness, or injury, which requires either prompt treatment or prompt diagnosis for the child's welfare or for evidentiary purposes, and in the most expeditious manner possible, give notice of the action taken together with a statement of taking the child into custody in writing to the court, the parent, guardian or other custodian and to the intake office and to the department of pensions and security in the case of a dependency allegation.

5-121. Criteria for continuing detention or shelter care of children taken into custody.—

(a) Unless otherwise ordered by the court pursuant to the provisions of this article, a child lawfully taken into custody as an allegedly dependent or delinquent child or a child in need of supervision shall immediately be released, upon the ascertainment of the necessary facts, to the care, custody and control of such child's parent, guardian, custodian or other suitable person able and willing to provide supervision and care for such child except in situations where:

(1) the child has no parent, guardian, custodian or other suitable person able and willing to provide supervision and care for such child; or

(2) the release of the child would present a clear and substantial threat of a serious nature to the person or property of others where the child is alleged to be delinquent; or

(3) the release of such child would present a serious threat of substantial harm to such child; or

(4) the child has a history of failing to appear for hearings before the court.

(b) The criteria for continuing the child in detention or shelter or other care as set forth in subsection (a) of this section, shall govern the decisions of all persons involved in determining whether the continued detention or shelter care is warranted pending court disposition and such criteria shall be supported by clear and convincing evidence in support of the decision not to release the child.

5-122. Detention and shelter care facilities; authorized use. —

(a) In providing detention and shelter or other care for children referred to or coming under the jurisdiction of the court, the court shall utilize only such facilities as have been established, licensed or approved by the department of youth services or department of pensions and security for such purposes.

(b) A delinquent child or a child alleged to be delinquent may be detained in a jail or other facility for the detention of adults only if:

- (1) no other detention facility is available;
- (2) the detention is in a room separate and removed from all contact with adult inmates;
- (3) adequate supervision is provided; and
- (4) the facility is approved by the department of youth services.

(c) The official in charge of a jail or other facility for the detention of adult offenders or persons charged with crime shall inform the court immediately when a child, who is or appears to be a child as defined by this article, is received at the facility, and shall deliver him to the court upon request, or transfer him to a detention facility designated by the court.

(d) When a case is transferred to another court for criminal prosecution, the child shall be transferred to the appropriate officer or detention facility in accordance with the law governing the detention of such person charged with crime.

5-123. Release from detention or shelter care; filing of petition; hearing; conditions of release. —

(a) When a child is not released from detention or shelter care as provided in section 5-120, a petition shall be filed and a hearing held within 72 hours, Saturdays, Sundays and holidays included, to determine whether continued detention or shelter care is required.

(b) Notice of the detention or shelter or other care hearing, either oral or written, stating the time, place and purpose of the hearing and the right to counsel shall be given to the parent, guardian or custodian if they can be found and to the child if such child is over 12 years of age or if delinquency is alleged; in every case of a dependent child, the department of pensions and security shall be notified.

(c) At the commencement of the detention or shelter or other care hearing, the court shall advise the parties of the right to counsel and shall appoint counsel as required. The parties shall be informed of the child's right to remain silent with respect to any allegation of delinquency. They shall also be informed of the contents of the petition and shall be given an opportunity to admit or deny the allegations of the petition.

(d) When the court finds that a child's full-time detention or shelter

care is not required, the court shall order his release, and in so doing, may impose one or more of the following conditions singly or in combination:

(1) place the child in the custody of a parent, guardian, or custodian or any other person who the court deems proper, or under the supervision of an agency or organization agreeing to supervise him;

(2) place restrictions on the child's travel, association, or place of abode during the period of his release; or

(3) impose any other condition deemed reasonably necessary and consistent with the criteria for detaining children specified in section 5-121, including a condition requiring that the child return to custody as required.

(e) An order releasing a child on any conditions specified in this section may at any time be amended to impose additional or different conditions of release or to return the child to custody for failure to conform to the conditions originally imposed.

(f) All relevant and material evidence helpful in determining the need for detention or shelter care may be admitted by the court even though not competent in a hearing on the petition.

(g) If the child is not released and no parent, guardian or other custodian has been notified and none appeared or waived appearance at the hearing, upon the filing of an affidavit stating these facts, the court shall rehear the matter within 24 hours, Saturdays, Sundays and holidays included.

#### 5-124. Right to counsel.—

(a) In delinquency and in need of supervision cases, a child and his parents, guardian, or custodian shall be advised by the court or its representative at intake that the child has the right to be represented at all stages of the proceedings by counsel retained by them, or if they are unable to afford counsel, by counsel appointed by the court. If counsel is not retained for the child in a proceeding in which there is a reasonable likelihood such may result in a commitment to an institution in which the freedom of the child is curtailed, counsel shall be appointed for the child. The court may appoint counsel in any case when it deems such in the interest of justice.

(b) In dependency cases, the parents, guardian, or custodian shall be informed of their right to be represented by counsel and, upon request, counsel shall be appointed where the parties are unable, for financial reasons, to retain their own. The court shall also appoint counsel for the child in dependency cases where there is an adverse interest between parent and child, or where the parent is an unmarried minor or is married, widowed, widowed or divorced and under the age of 18 years, or counsel is otherwise required in the interests of justice.

5-125. Admissibility of child's preliminary statement.—Unless advised by counsel, the statements of a child or other information or evidence derived directly or indirectly from such statements made while in custody to police or law enforcement officers or made to the prosecutor or probation officer, during the process of the case, including statements made during a preliminary inquiry, predisposition study, informal adjustment, or consent decree, shall not be used prior to a determination of the petition's allegations in a delinquency or in need of supervision case or in a criminal proceeding prior to conviction.

## 5-126. Other basic rights.—

(a) A child charged with a delinquent act or who is alleged to be in need of supervision shall be accorded the privilege against self-incrimination. An extra-judicial statement which would be constitutionally inadmissible in a criminal proceeding shall not be received in evidence over objection. Evidence illegally seized or obtained shall not be received in evidence over objection to establish the allegations against him.

An extra-judicial admission or confession made by the child out of court is insufficient to support a finding that the child committed the acts alleged in the petition unless it is corroborated by other evidence.

(b) Criminal proceedings and other juvenile proceedings based upon the offense alleged in the petition or an offense based upon the same conduct are barred where the court has begun taking evidence or where the court has accepted a child's plea of guilty to the petition.

## 5-127. Predisposition study and report.—

(a) After a petition alleging delinquency, in need of supervision or dependency has been filed, the court may direct that a predisposition study and report to the court be made by probation services where the petition alleges that the child is delinquent or in need of supervision or by the department of pensions and security when the petition alleges that the child is dependent, concerning the child, his family, his environment, and other matters relevant to the need for treatment or disposition of the case.

(b) Where there are indications that the child may be physically ill, mentally ill or mentally retarded, the court, on its own motion, or motion by the prosecutor or that of counsel for the child, may order the child to be examined at a suitable place by a physician, psychiatrist, or psychologist, or other qualified examiner under the supervision of a physician, psychiatrist or psychologist who shall certify such examiner's findings in writing, or an examiner approved by the department of mental health, prior to a hearing on the merits of the petition. Such examinations made prior to hearing or as part of the study provided for in subsection (a) of this section shall be conducted on an outpatient basis unless the court finds that placement in a hospital or other appropriate facility is necessary.

(c) The court, after hearing, may order an examination as described in subsection (b) of this section of a parent or custodian who gives his consent and whose ability to care for or supervise a child before the court is in issue.

## 5-128. Conduct of hearing.—

(a) Hearings under this article shall be conducted by the court without a jury and separate from other proceedings. The general public shall be excluded from delinquency, in need of supervision or dependency hearings and only the parties, their counsel, witnesses and other persons requested by a party shall be admitted. Such other persons as the court finds to have a proper interest in the case or in the work of the court may be admitted by the court on condition that such persons refrain from divulging any information which would identify the child or family involved. If the court finds that it is in the best interest of the child, his presence may be temporarily excluded from the hearings except while allegations of delinquency or in need of supervision are being heard.

(b) The parties shall be advised of their rights under law in their first appearance at intake and before the court. They shall be informed of the specific allegations in the petition and given an opportunity to admit or deny such allegations.

(c) If the allegations are denied, the court shall proceed to hear evidence on the petition. The court shall record its findings on whether or not the child is a dependent child or, if the petition alleges delinquency or in need of supervision, as to whether or not the acts ascribed to the child were committed by him. If the court finds that the allegations in the petition have not been established, it shall dismiss the petition and order the child discharged from any detention or temporary care theretofore ordered in the proceeding.

(d) If the court finds on proof beyond a reasonable doubt, based upon competent, material and relevant evidence, that a child committed the acts by reason of which he is alleged to be delinquent or in need of supervision it may proceed immediately to hear evidence as to whether the child is in need of care or rehabilitation and to file its findings thereon. In the absence of evidence to the contrary, evidence of the commission of an act which constitutes a felony is sufficient to sustain a finding that the child is in need of care or rehabilitation. If the court finds that the child is not in need of care or rehabilitation, it shall dismiss the proceedings and discharge the child from any detention or other temporary care theretofore ordered.

(e) If the court finds from clear and convincing evidence, competent, material and relevant in nature, that the child is dependent and in need of care or supervision, or from clear and convincing evidence, competent, relevant and material in nature, that the child is in need of care or rehabilitation as a delinquent child, or child in need of supervision, the court may proceed immediately in the absence of objection showing good cause, or at a postponed hearing, to make proper disposition of the case.

(f) In disposition hearings all relevant and material evidence helpful in determining the questions presented, including oral and written reports, may be received by the court and may be relied upon to the extent of its probative value, even though not competent in a hearing on the petition. The parties or their counsel shall be afforded an opportunity to examine and controvert written reports so received and to cross-examine individuals making reports.

(g) On its own motion or that of a party, the court may continue the disposition hearing under this section for a reasonable period to receive reports and other evidence bearing on the disposition or need for care or rehabilitation. In this event, the court shall make an appropriate order for detention or temporary care of the child or his release from detention or temporary care during the period of the continuance subject to such conditions as the court may impose.

5-129. Transfer to criminal court. —

(a) The prosecutor may before a hearing on the petition on its merits, and following consultation with probation services, file a motion requesting the court to transfer the child for criminal prosecution, if:

(1) the child was 14 or more years of age at the time of the conduct charged, and is alleged to have committed an act which would constitute a felony if committed by an adult; or

(2) the child is 14 or more years of age and is already under commitment to an agency, department or institution as a delinquent.

(b) The court shall conduct a hearing on all such motions for the purpose of determining whether it is in the best interest of the child or the public to grant the motion. If the court so finds and there are no reasonable grounds to believe he is committable to an institution or agency for the mentally retarded or mentally ill, it shall order the case transferred for criminal prosecution.

(c) When there are grounds to believe that the child is committable to an institution or agency for the mentally retarded or mentally ill, the court shall proceed as provided in section 5-136.

(d) Evidence of the following and other relevant factors shall be considered in determining whether the motion shall be granted:

- (1) the nature of the present alleged offense;
- (2) the extent and nature of the child's prior delinquency record;
- (3) the nature of past treatment efforts and the nature of the child's response to such effort;
- (4) demeanor;
- (5) the extent and nature of the child's physical and mental maturity;
- (6) the interests of the community and of the child requiring that the child be placed under legal restraint or discipline.

(e) Prior to a hearing on the motion by the prosecutor, a study and report to the court, in writing, relevant to the factors in subsection (d) shall be made by probation services.

(f) When a person is transferred for criminal prosecution, the court shall set forth in writing its reasons for granting the motion which shall include a finding of probable cause for believing that the allegations are true and correct.

5-130. Continuance without adjudication; consent decree.—At any time after the filing of a petition, the court may suspend proceedings and continue the case, under terms and conditions agreed to by all parties, pursuant to rules adopted by the supreme court.

5-131. Disposition of dependent child; delinquent child or child in need of supervision.—

(a) If a child is found to be dependent, the court may make any of the following orders of disposition to protect the welfare of the child:

(1) permit the child to remain with his parents, guardian, or other custodian, subject to such conditions and limitations as the court may prescribe;

(2) place the child under protective supervision as herein provided or under the supervision of the department of pensions and security;

(3) transfer legal custody to any of the following:

(A) the department of pensions and security provided that said department is equipped to care for the child;

(B) a local public child-placing agency or private organization or facility willing and able to assume the education, care and maintenance of the child and which is licensed by the department of pensions and security or otherwise authorized by law to receive and provide care for such child; or

(C) a relative or other individual who, after study by the department of pensions and security, is found by the court to be qualified to receive and care for the child;

(4) in the case of any child, 14 years of age or older, where the court finds that the school officials have made a diligent effort to meet the child's educational needs, and after study, the court further finds that the child is not able to benefit appreciably from further schooling, the court may:

(A) excuse the child from further compliance with any legal requirement of compulsory school attendance; and

(B) authorize the child, notwithstanding the provisions of any other law, to be employed in any occupation which is not legally declared hazardous for children under the age of 18;

(5) make such other order as the court in its discretion shall deem to be for the welfare and best interests of the child.

(6) in appropriate cases award permanent custody to the department of pensions and security or to a licensed child placing agency with termination of parental rights and authorization to place for adoption, without appointing a legal custodian or guardian or guardian of the person; or award temporary custody to the same without appointing a legal custodian or guardian or guardian of the person.

(b) Unless a child found dependent shall also be found to be delinquent, he shall not be committed to or confined in an institution established for the care and rehabilitation of delinquent children or detention facility, provided, however, that nothing in this section shall be construed to prohibit the placement of dependent children in any other residential facility as defined hereinabove in Section 5-101, subsection (v).

(c) If a child is found to be delinquent or in need of supervision, the court may make any of the following orders or dispositions for his supervision, care and rehabilitation:

(1) permit the child to remain with parent, guardian or other custodian subject to such conditions and limitations as the court may prescribe;

(2) place the child on probation under such conditions and limitations as the court may prescribe;

(3) transfer legal custody to any of the following:

(A) the department of youth services, with or without a commitment order to a specific institution;

(B) in the case of a child in need of supervision, the department of youth services or the department of pensions and security;

(C) a local, public or private agency, organization or facility willing and able to assume the education, care and maintenance of the child and which is licensed or otherwise authorized by law to receive and provide care for children;



(D) a relative or other individual who, after study by the probation services, is found by the court to be qualified to receive and care for the child;

(4) any order which is authorized by subsection (a) (4) of this section, and subject to the requirements thereof; or

(5) make such other order as the court in its discretion shall deem to be for the welfare and best interest of the child, including assessment of fines not to exceed \$250.00 and restitution as the court deems appropriate.

(d) No child by virtue of a disposition under this section shall be committed or transferred to a penal institution or other facility used for the execution of sentences of persons convicted of a crime.

(e) No child found to be in need of supervision, unless also found to be delinquent, shall be committed to or placed in an institution or facility established for the care and rehabilitation of delinquent children unless the court finds upon a further hearing that the child is not amenable to treatment or rehabilitation under any prior disposition, or unless such child is again alleged to be a child in need of supervision and the court, after hearing, so finds.

(f) When a delinquent child is committable to an institution or agency for the mentally retarded or mentally ill, the court shall proceed as provided in section 5-136 rather than committing to an institution or facility for the care and rehabilitation of delinquent children.

(g) Whenever the court vests legal custody in an agency or department, it shall transmit with the order copies of the clinical reports, predisposition study, and other information it has pertinent to the care and treatment of the child.

5-132. Order of adjudication; noncriminal. — An order of disposition or other adjudication in proceedings under section 5-108(a) of this article shall not be considered to be a conviction or impose any civil disabilities ordinarily resulting from a conviction of a crime or operate to disqualify the child in any civil service application or appointment. The disposition of a child and evidence given in a hearing in the court shall not be admissible as evidence against him in any case or proceeding in any other court whether before or after reaching majority except in a disposition hearing in a juvenile court or in sentencing proceedings after conviction of a crime for the purposes of a presentence study and report.

5-133. Disposition of matters based upon constructive service. — The court shall have authority to make interlocutory and final dispositional orders in those cases in which a party or parties have been served by publication in accordance with rules adopted by the supreme court.

5-134. Modification; termination or extension of court orders. —

(a) At any time prior to expiration, an order vesting legal custody or an order of probation or protective supervision made by the court in the case of a child may be modified, revoked, or extended on motion by:

(1) a child, whose legal custody has been transferred to a department, institution, agency or person, requesting the court for a modification or termination of the order alleging that he is no longer in need of commitment, probation or protective supervision, and the department, institution, agency or person has denied application for

release of the child or has failed to act upon the application within a reasonable time; or

(2) a department, institution, agency or person vested with legal custody or responsibility for probation or protective supervision requesting the court for an extension of the order on the grounds that such action is necessary to safeguard the welfare of the child or the public interest.

(b) The court may dismiss the motions filed under subsection (a) of this section, if, after preliminary investigation, it finds that they are without substance. If it is of the opinion that the order should be reviewed, it may, upon due notice to all necessary parties as prescribed by rules of court, proceed to a hearing in the same manner and under the same safeguards provided for in this article for the issuance of the original order. It may thereupon terminate the order if it finds the child is no longer in need of care, supervision or rehabilitation, or it may enter an order extending or modifying the original order if it finds such action necessary to safeguard the child or the public interest.

5-135. Probation; protective supervision; revocation; disposition. —

(a) A child on probation incident to an adjudication as a delinquent or child in need of supervision who violates the terms of his probation or aftercare, or a child under protective supervision who fails to conform to the terms of his protective supervision, may be proceeded against for a revocation of such order.

(b) A proceeding to revoke probation, aftercare or protective supervision shall be commenced by the filing of a petition entitled "petition to revoke probation," "petition to revoke aftercare," or "petition to revoke protective supervision." Except as otherwise provided, such petitions shall be screened, reviewed and prepared in the same manner and shall contain the same information as provided in sections 5-114 and 5-115 of this article. The petition shall recite the date that the child was placed on probation, aftercare or under protective supervision and shall state the time and manner in which notice of the terms of probation, aftercare or protective supervision were given.

(c) Probation, aftercare or protective supervision revocation proceedings shall require clear and convincing evidence. In all other respects, proceedings to revoke probation, aftercare or protective supervision shall be governed by the procedures, safeguards and rights and duties applicable to delinquency, in need of supervision and dependency cases contained in this article.

(d) If a child is found to have violated the terms of his probation or aftercare pursuant to revocation hearing, the court may extend the period of probation or aftercare or make any other order of disposition specified for a child adjudicated delinquent or in need of supervision. If a child is found to have violated the terms of his protective supervision pursuant to a revocation hearing, the court may extend the period of protective supervision or may make any other order of disposition specified for a child adjudicated dependent.

5-136. Mental and physical examination and treatment of children. — The juvenile court in its discretion may, either before or after hearing, cause any child within its jurisdiction to be given a physical or mental examination, or both, by a competent physician or physicians or

other qualified examiner under the supervision of a physician, psychiatrist or psychologist who shall certify to the examiner's findings in writing, or an examiner approved by the department of mental health, to be designated by the court having jurisdiction of the child and the physician or physicians or mental examiner shall certify to the court the condition in which the child is found. If upon such examination or upon procedure as provided in Section 5-137 hereinafter, the court has reason to believe that a minor or child is mentally ill or mentally retarded as hereinafter defined, the court shall proceed in the manner set out in Section 5-137. Upon examination, if it appears that the child is in need of surgery, medical treatment or care, hospital care, or dental care, the court may cause the child to be treated by a competent physician, surgeon or dentist or placed in a public hospital or other institution for training or care or in an approved private home, hospital or institution, which will receive it for like purposes. The expense of such treatment shall be a valid charge against the county unless otherwise provided for. The court may grant authority to order emergency medical care to any such person, agency or department charged with the detention, temporary shelter care or other care of a child within its jurisdiction.

5-137. Involuntary commitment. —

(a) The state, any county or municipality, or any governmental agency, including but not limited to the department of pensions and security, or the department of youth services, or when any person including a parent, legal guardian, or other person standing in loco parentis may petition to have any minor or child, as hereinabove defined, committed to the custody of the state department of mental health on the basis that such minor or child is mentally ill or mentally retarded, and as a consequence of such mental illness or mental retardation poses a real and present threat of substantial harm to himself or to others. Such petition shall be verified and filed in the county in which such minor or child is located, petitioning the court to commit such minor or child to the custody of the state department of mental health.

(b) When any such petition is filed the court shall immediately review the petition and may require the petitioner to be sworn and answer under oath questions in regard to the petition and the minor or child sought to be committed. If it appears from the face of the petition or from the testimony of the petitioner that the petition is totally without merit, the court may order the petition dismissed without further proceedings.

(c) Service of the petition upon the minor or child sought to be committed, and upon his parents and other persons having legal responsibility shall be as provided herein for service on minors and children generally or as otherwise provided by rule promulgated by the supreme court.

(d) (1) When any child or minor against whom a petition has been filed seeking to commit such child or minor to the custody of the department of mental health is initially brought before the court, the court shall read the petition to such minor or child and to his parents, guardian and counsel, and inform such persons orally and in writing, of the date, time and place of the next hearing to be held in regard to such minor or child, the purpose of such hearing, the rights of such child or minor at such hearing, and the possible consequences of such hearing.

(2) The court shall ascertain the need for and ability to pay an attorney to represent the minor or child and shall appoint an attorney or

guardian ad litem as in other proceedings under this article. No statement made or act done by such minor or child in the presence of the court prior to such minor or child obtaining the services of an attorney, by appointment or otherwise, shall be considered by the court in determining if such minor or child should be committed to the custody of the state department of mental health.

(3) Notice of the filing of a petition under this section, and of the date of final hearing, shall be given to the state department of mental health as provided by rules promulgated by the supreme court. Said notice shall constitute an application for admission to a facility maintained, operated or under the supervision and control of the department of mental health. Not less than 24 hours prior to the final hearing, said mental health department shall notify the district court whether adequate facilities are available for the minor or child and to which facility the minor or child should be sent if the district judge should determine that such minor or child is to be committed. No person shall be accepted if the facility does not have adequate facilities available or if acceptance would result in an overcrowded condition.

(e) At such time as a minor or child sought to be committed is first brought before the court, the court shall determine what limitations, if any, shall be placed upon such minor or child's liberty pending further hearings. No limitations shall be placed upon such minor or child's liberty unless such limitations are necessary to prevent such minor or child from doing substantial harm to himself or to others or to prevent such minor or child from leaving the jurisdiction of the court. No such minor or child shall be placed in a juvenile detention facility, or jail or other facility for persons accused of or convicted of committing crimes unless such minor or child poses a real and present threat of harm to himself or others and no other facility is available to safely detain such minor or child. The court shall order such minor or child to appear at the times and places set for hearing the petition and may order and require the minor or child to appear at designated times and places to be examined by medical doctors or mental health professionals.

(f) If the district court shall find it necessary to temporarily confine or restrain any minor or child, pending final hearing on a petition for commitment, in the custody of any person or persons or agency other than his parent or parents or legal guardian, the court at the time such restraint or confinement is ordered shall set the petition for hearing within seven days to determine if probable cause exists that such minor or child should be committed. Upon a finding of probable cause that such minor or child should be committed, the court shall enter an order so stating, and setting the date, time and place of the hearing on the merits of such petition. At such probable cause hearing the court shall determine if it is necessary to continue the restraint or confinement pending final hearing. The final hearing shall be held on the merits of such petition within thirty days of the date that such minor or child was served with a copy of the petition seeking to commit such minor or child.

(g) At all hearings conducted in relation to a petition to commit any minor or child to the custody of the state department of mental health, the following rules shall apply:

(1) The minor or child sought to be committed shall be present unless prior to the hearing the attorney for such minor or child has filed in writing a waiver of the presence of such minor or child on the ground that

the presence of such minor or child would be dangerous to such person's physical or mental health or that such minor or child's conduct could reasonably be expected to prevent the hearing from being held in an orderly manner, and the court has determined from evidence that the waiver should be granted and has entered an order approving the waiver.

(2) The minor or child sought to be committed shall have the right to compel the attendance of and offer the testimony of witnesses, to be confronted with the witnesses in support of the petition and to cross-examine them, and to testify in his own behalf, but no such minor or child shall be compelled to testify against himself.

(3) The court shall cause the hearing to be recorded stenographically, mechanically or electronically and shall retain such recording for a period of not less than three years from the date the petition is denied or granted and not less than the duration of any commitment pursuant to such hearing.

(4) All hearings shall be heard by the court without a jury and the persons who may be present shall be as provided for in section 5-128(a).

(h) An attorney representing the state, any county or municipality, or the department of youth services, or the department of pensions and security, or an attorney representing the person or persons filing a petition to have a minor or child committed, may serve as the advocate in support of the petition to commit in all matters in regard to a petition to commit.

(i) At the final hearing upon a petition seeking to commit a minor or child to the custody of the department of mental health on the basis that he is mentally ill, the court may grant the petition if substantial evidence proves:

- (1) the minor or child sought to be committed is mentally ill; and
- (2) as a consequence of the mental illness the minor or child poses a real and present threat of substantial harm to himself or to others; and
- (3) the threat of substantial harm has been evidenced by a recent overt act; and
- (4) treatment is available for the minor or child's mental illness or that confinement is necessary to prevent the minor or child from causing substantial harm to himself or to others; and
- (5) commitment is the least restricting alternative necessary and available for treatment of the minor or child's illness.

Upon such findings, the court shall enter an order setting forth the findings, and may order the person committed to the custody of the state department of mental health.

(j) At the final hearing upon a petition seeking to commit a minor or child to the state department of mental health on the basis that he is mentally retarded, the court may grant the petition if substantial evidence proves:

- (1) the minor or child sought to be committed is mentally retarded,
- (2) the said mentally retarded minor or child is not borderline or mildly retarded. For the purposes of making this determination, the following definitions shall apply:

A borderline retarded person is an individual who is functioning between one and two standard deviations below the mean and a mildly retarded person is an individual who is functioning between two and three standard deviations below the mean on a standardized intelligence test such as the Stanford Binet scale and on measures of adoptive behavior such as the American Adoptive Behavior scale; and

(3) the minor or child, if allowed to remain in the community, is likely to cause serious injury to himself or others, or that adequate care, rehabilitation and training opportunities are available only at a facility provided by the department of mental health.

Upon such findings, the court shall enter an order setting forth his findings, and may order the minor or child committed to the custody of the state department of mental health.

(k) The court committing any minor or child to the custody of the state department of mental health shall retain jurisdiction over such minor or child concurrently with the district court of the county in which the minor or child is subsequently located for so long as the minor or child is in the custody of the department of mental health.

5-138. Guardian ad litem; guardian of the person. —

(a) The court, at any state of a proceeding under this article may appoint a guardian ad litem for a child who is a party to the proceeding, if he has no parent or guardian or custodian appearing on his behalf or their interests conflict with those of the child. A party to the proceeding or his employee or representative shall not be so appointed.

(b) The court, in any proceeding under this article, shall appoint a guardian of the person for a child in any case where it finds that the child does not have a natural or adoptive parent in a position to exercise effective guardianship or a legally appointed guardian of his person. No officer or employee of a state or local public agency, or private agency which is vested with legal custody of a child shall be appointed guardian of the person of the child except when parental rights have been terminated and the agency has been authorized to place the child for adoption.

5-139. Court costs and expenses. —

(a) All expenses necessary or appropriate to the carrying out of the purposes and intent of this article and all expenses of maintenance and care of children that may be incurred by order of the court in carrying out the provisions and intent of this article (except costs paid by parents, guardian or trustee), court costs as provided by law and attorney fees shall be valid charges and preferred claims against the county and shall be paid by the county treasurer when itemized and sworn to by the creditor or other persons knowing the facts in the case, and approved by the court.

(b) If, after due notice to the parents or other persons legally obligated to care for and support the child, and after a hearing, the court finds that they are financially able to pay all or part of the court costs as provided by law, attorney fees and expenses with respect to examination, treatment, care or support of the child incurred in carrying out the provisions of this article, the court shall order them to pay the same and may prescribe the manner of payment. Unless otherwise ordered, payment shall be made to the clerk of the court for remittance to those to whom compensation is due. If the child shall have an estate in the hands of a guardian or trustee, such guardian or trustee may be required to pay in a

like manner. If the parent or other legally obligated person willfully fails or refuses to pay such sum, the court may proceed against him for contempt, or the order may be filed and shall have the effect of a civil judgment.

5-140. Support of committed child.—Whenever legal custody, of a child is vested in someone other than his parents, after due notice to the parents or other persons legally obligated to care for and support the child, and after a hearing, the court may order and decree that the parent or other legally obligated person shall pay in such manner as the court may direct a reasonable sum that will cover in whole or in part the support and treatment of the child after the decree is entered and including support, treatment, costs and legal fees from the commencement of the proceeding. If the parent or other legally obligated person willfully fails or refuses to pay such sum, the court may proceed against him for contempt, or the order may be filed and shall have the effect of a civil judgment.

5-141. Protective order.—In any proceeding commenced under this article, on application of a party or the court's own motion, the court may make an order restraining the conduct of any party over whom the court has obtained jurisdiction, if:

(a) an order of disposition of a delinquent or dependent child or a child in need of supervision has been made in a proceeding under this article; and

(b) the court finds that the persons conduct is or may be detrimental or harmful to the child, and will tend to defeat the execution of the order of disposition made; and

(c) due notice of the application or motion and the grounds therefor and an opportunity to be heard thereon have been given to the person against whom the order is directed.

5-142. Social and legal records; inspection.—

(a) Social, medical and psychiatric or psychological records, including reports of preliminary inquiries, predisposition studies, of delinquent, in need of supervision and dependent children, including supervision records of such children, shall be filed separate from other files and records of the court and shall be open to inspection only by the following:

(1) the judge and probation officers and professional staff assigned to serve the court;

(2) representatives of a public or private agency, or department providing supervision or having legal custody of the child;

(3) any other person or agency by leave of the court, having a legitimate interest in the case or in the work of the court;

(4) the probation and other professional staff assigned to serve a criminal court, including the prosecutor and the attorney for the defendant for use in considering the sentence to be imposed upon a convicted person, who, prior thereto, had been a party to the proceedings in court; and

(5) the child's parent (except where parental rights have been terminated) or guardian and the child's counsel and the child's guardian ad litem.

(b) All or any part of the records enumerated in subsection (a), or information secured from such records, when presented to and used by the judge in court or otherwise in a proceeding under this article, shall also be made available to the parties to the proceedings and their counsel and representatives.

(c) All other court records, including docket, petitions, motions and other papers filed with a case, transcripts of testimony, findings, verdicts, orders and decrees, shall be open to inspection only by those persons and agencies designated in subsections (a) and (b) of this section.

(d) Whoever, except for the purposes permitted and in the manner provided by this section, discloses or makes use of or knowingly permits the use of information concerning a child before the court directly or indirectly derived from the records of the court or acquired in the course of official duties, upon conviction thereof shall be guilty of a misdemeanor.

5-143. Law enforcement records. —

(a) The court shall, by rule, require all law enforcement agencies to take special precautions to insure that law enforcement records and files concerning a child will be maintained in such manner and under such safeguards as will protect against disclosure to any unauthorized person. Unless a charge of delinquency is transferred for criminal prosecution under section 5-129, or the court otherwise orders in the interest of the child or of national security, such records and files with respect to such child shall not be open to public inspection nor their contents disclosed to the public.

(b) Inspection of such records and files shall be permitted only to the following:

(1) a juvenile court having the child currently before it in any proceeding;

(2) the officers of the department of pensions and securities, the department of youth services, public and nongovernmental institutions or agencies to which the child is currently committed, and those responsible for his supervision after release;

(3) any other person, agency, or institution, by order of the court, having a legitimate interest in the case or in the work of the law enforcement agency;

(4) law enforcement officers of other jurisdictions when necessary for the discharge of their current official duties;

(5) the probation and other professional staff of a court in which the child is subsequently convicted of a criminal offense for the purpose of a presentence report or other dispositional proceedings, or by officers of penal institutions and other penal facilities to which he is committed, or by a parole board in considering his parole or discharge or in exercising supervision over him; and

(6) the parent, guardian or other custodian and counsel for the child.

(c) Whoever, except as provided in subsections (a) and (b) above, directly or indirectly discloses or makes use of or knowingly permits the use of information concerning a child described in said subsections, upon conviction thereof shall be guilty of a misdemeanor.



## 5-144. Children's fingerprints; photographs. —

(a) Fingerprints of a child 14 or more years of age who is referred to court for an alleged delinquent act may be taken and filed by law enforcement officers investigating the commission of a felony. If the court does not find that the child committed the alleged felony, the fingerprint card and all copies of the fingerprints shall be destroyed.

(b) If latent fingerprints are found during the investigation of an offense and a law enforcement officer has reason to believe that they are those of the child in custody, he may fingerprint the child regardless of age or offense for purpose of immediate comparison with the latent fingerprints. If the comparison is negative, the fingerprint card and other copies of the fingerprints taken shall be immediately destroyed. If the comparison is positive and the child is under 14 years of age and referred to court, the fingerprint card and other copies of the fingerprints shall be delivered to the court for disposition. If the child is not referred to court, the print shall be immediately destroyed.

(c) If the court finds that a child 14 or more years of age has committed a felony, the prints may be retained in a local file and copies sent to a central state depository; provided, that the court shall, by rule, require special precautions to be taken to insure that such fingerprints will be maintained in such manner and under such safeguards as to limit their use to inspection for comparison purposes by law enforcement officers or by staff of the depository only in the investigation of a crime.

(d) A child in custody shall not be photographed for criminal identification purposes without the consent of the court unless the case is transferred for criminal prosecution.

(e) Any person who willfully violates provisions of this section shall, upon conviction thereof, be guilty of a misdemeanor.

## 5-145. Sealing and destruction of records. —

(a) On motion of the part of a person who has been the subject of a delinquency petition or on the court's own motion, the court shall vacate its order and findings and order the sealing of the legal and social files and records of the court, probation services, and of any other agency in the case if it finds that:

(1) 2 years have elapsed since the final discharge of the person from legal custody or supervision, or 2 years after the entry of any other court order not involving custody or supervision; and

(2) he has not been convicted of a felony or misdemeanor involving moral turpitude, or adjudicated delinquent prior to the filing of the motion, and no proceeding is pending seeking such conviction or adjudication. The motion and the order may include the files and records specified in section 5-142.

(b) Reasonable notice of the motion shall be given

(1) the prosecutor;

(2) the authority granting the discharge if the final discharge was from an institution, parole or probation; and

(3) the law enforcement officers, department and central depository having custody of the files and records specified in section 5-142 and included in the motion.

(c) Upon the entry of the order, the proceedings in the case shall be treated as if they never occurred, and all index references shall be deleted and the court and law enforcement officers and departments shall reply and the person may reply to any inquiry that no record exists with respect to such person. Inspection of the files and records included in the order may thereafter be permitted by the court only upon motion by the person who is the subject of such records, and only to those persons named in the motion; provided, however, the court in its discretion may by special order in an individual case permit inspection by or release of information in the records to any clinic, hospital or agency which has the person under care.

(d) Any adjudication of delinquency or conviction of a felony or a crime involving moral turpitude subsequent to sealing shall have the effect of nullifying the sealing order.

(e) A person who has been the subject of a delinquency petition and has met the conditions stipulated in subsection (a) (2), may, five years after reaching the age of majority, file a motion requesting the destruction of all records pertaining to his case. If the court grants the motion, copies of the order shall be sent to all offices or agencies that are repositories of such records and all such offices and agencies shall comply with the order.

(f) Upon the entry of a sealing order or a destruction order, all references including arrest, complaint, referrals, petitions, reports and orders, shall be removed from all agency, official and institutional files and sealed or destroyed as aforesaid and a finding of delinquency shall be deemed never to have occurred. No child who has been the subject of such a sealing or destruction order shall be deemed to have been arrested ab initio within the meaning of the general statutes, with respect to proceedings so sealed or destroyed, and in response to any inquiry or on any application or in any proceeding the person may state that he has never been arrested, taken into custody, committed, or adjudicated a delinquent with regard to the proceedings so sealed or destroyed.

(g) A person who has been the subject of a delinquency petition shall be notified of his rights under subsections (a) and (e) at the time of his final discharge.

5-146. Continuances.—Continuances shall be granted by the court only upon a showing of good cause and only for so long as it is necessary, taking into account not only the request or consent of the prosecutor or of the child, but also the interest of the public in the prompt disposition of cases and whether the child is being detained.

5-147. Contempt powers.—Subject to the laws relating to the procedures therefor and the limitations thereon, the court may punish a person for contempt of court for disobeying an order of the court or for obstructing or interfering with the proceedings of the court or the enforcement of its orders. Notwithstanding the foregoing, the court shall be limited in the actions it may take with respect to a child violating the terms and conditions of the order of protective supervision to those which the court could have taken at the time of the court's original disposition under section 5-131 (a).

5-148. Causing delinquency, dependency or need of supervision of children.—It shall be unlawful for any parent, guardian or other person to willfully aid, encourage or cause any child to become or remain delinquent, dependent or in need of supervision; or by words, acts, threats, commands

or persuasions, induce or endeavor to induce, aid or encourage any child to do or perform any act or to follow any course of conduct which would cause or manifestly tend to cause such child to become or remain delinquent, dependent or in need of supervision; or by the neglect of any lawful duty or in any other manner contribute to the delinquency, dependency or need of supervision of a child. The employment of any child in violation of any of the provisions of the child labor law, or permitting, conniving at, aiding or abetting such employment shall be held to be encouraging, causing and contributing to the delinquency, dependency or need of supervision of such child. Failure on the part of any parent, guardian or other person having custody of the child to cause such child to attend school as required by the compulsory attendance law shall be held to be encouraging, causing and contributing to the delinquency, dependency or need of supervision of such child. Whoever violates any provision of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars or sentenced to hard labor for the county not to exceed twelve months, or both. Whenever, in the course of any proceedings under this article, or when, by affidavit as hereinafter provided, it shall appear to the juvenile court that a parent, guardian or other person having custody, control or supervision of a child, or any other person not standing in any such relation to such child, has aided, encouraged or caused such child to become delinquent, dependent or in need of supervision as defined herein, or has by words, act or omission contributed thereto, or has, by threats, commands or persuasion, induced or endeavored to induce, aided or encouraged, such child to do or perform any act or to follow any course of conduct which would cause or manifestly tend to cause such child to become or remain delinquent, dependent or in need of supervision, the court shall, for the protection of such child from such influences, have jurisdiction in such matters, as provided herein. The court shall cause such parent, guardian or other person to be brought before it upon either summons or a warrant, affidavit of probable cause having first been made. Upon conviction, the court shall have the power to suspend any sentence, remit any fine or place such person on probation under orders, directives or conditions for his discipline and supervision as the court deems fit.

5-149. Disobeying orders of court; punishments for.—Any person who knowingly and willfully disregards or fails to obey any lawful order made by the court under the provisions of this article or who knowingly and willfully interferes with the custody of any child under the jurisdiction of said court shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not more than five hundred dollars or sentenced to hard labor for the county not to exceed six months, or both. The court shall, however, have the power to suspend any sentence, remit any fine or place such person on probation under orders, directives or conditions for his discipline and supervision as the court deems fit.

5-150. Obstructing officers in performance of duties.—It shall be unlawful for any person to remove, conceal or cause to be removed or concealed, or attempt so to do, any delinquent or dependent child or one in need of supervision, as defined in this article, or one alleged in a petition or order of transfer filed in said court to be so, or any child whose custody is the subject of controversy in said court, or for any person to interfere with the custody of, or remove, or attempt to remove any delinquent or dependent child or one in need of supervision, or one alleged so to be, or any child whose custody is the subject of controversy in said court who is in the custody of the court, or of a probation officer or any other officer or person

designated by the court as a special officer, or any such child who has been by said court committed to a department of state government, any person, persons, institution, association or corporation, under the terms of this article, or by virtue of its general equity jurisdiction. And it shall be unlawful for any person to interfere knowingly with or oppose or otherwise obstruct any probation officer or representative of the department of pensions and security in the performance of his duties under this article. Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than five hundred dollars or sentenced to hard labor for the county not to exceed twelve months, or both. The court shall, however, have the power to suspend any sentence, remit any fine or place such person on probation under orders, directives or conditions for his discipline and supervision as the court deems fit.

5-151. Procedure in minor or adult cases. — In any proceeding arising under section 5-109, the court, with the consent of the defendant, may make a preliminary investigation and such adjustment as is practicable, without prosecution. The procedure and disposition applicable in the trial of such cases in a criminal court shall be applicable to trial in the juvenile court. The prosecutor shall prepare and prosecute any case within the purview of section 5-109. Where, in his opinion, it is necessary to protect the welfare of the persons before the court, the judge, with the consent of the defendant and the parties in interest, may conduct hearings in chambers, and may exclude persons having no direct interest in the case.

5-152. Appeals. —

(a) An aggrieved party (including the state or any subdivision of the state except in criminal cases, delinquency cases and in need of supervision cases) may appeal from a final order, judgment or decree of the juvenile court to the circuit court by filing written notice of appeal within 14 days after the entry of the order, judgment or decree. All appeals under this article shall take precedence over all other business of the court to which the appeal is taken. Upon appeal, the circuit court shall try the case *de novo* and shall proceed to render such judgment as is otherwise provided for by law in such cases.

(b) Upon the rendition of such judgment, the circuit court shall cause to be filed with the juvenile court a copy of its judgment which shall thereupon become the judgment of the juvenile court. If the circuit court does not dismiss the proceedings and discharge the child, it shall remand the child to the jurisdiction of the juvenile court for supervision and care under the terms of the judgment of the circuit court, and thereafter the child shall be and remain under the jurisdiction of the juvenile court in the same manner as if the juvenile court had rendered the judgment in the first instance.

(c) The appeal does not stay the order, judgment or decree appealed from, but the circuit court may otherwise order on application and hearing consistent with this article if suitable provision is made for the care and custody of the child. If the order, judgment or decree appealed from grants the custody of the child to, or withholds it from one or more of the parties to the appeal, it shall be heard at the earliest time practicable.

(d) When a case has been transferred to the circuit court docket in the first instance as provided in section 5-103, an appeal shall lie therefrom in conformance with procedures promulgated by the supreme court.

5-153. Express repealer.—(1) The following sections of Title 13 of the Code of Alabama, 1940, are hereby expressly repealed: Section 350, entitled "Definitions;" Section 351, entitled "Courts having jurisdiction of children;" Section 352, entitled "Title of proceeding; petition; examinations and summons; custody of child pending hearing; service and summons; when summons unnecessary; contempt; who shall serve papers; when rights barred;" Section 353, entitled "Juvenile courts, practice and rules of privacy;" Section 354, entitled "Procedure;" Section 355, entitled "Juvenile court judges; duty to report to department;" Section 356, entitled "Failure or refusal to make report;" Section 357, entitled "Referees or probation officers;" Section 358, entitled "Mental and physical examination and treatment of children;" Section 359, entitled "Solicitors to assist such courts;" Section 360, entitled "Probation officers, qualifications, appointments, powers and duties, compensation, removal, cooperation of institutions and agencies;" Section 361, entitled "Commitment of children;" Section 362, entitled "Appeals;" Section 363, entitled "Transferring jurisdiction; transfers to the juvenile court;" Section 364, entitled "Transfer from the juvenile court;" Section 365, entitled "Transfers between courts of juvenile jurisdiction;" Section 366, entitled "Causing dependency, neglect or delinquency of children;" Section 367, entitled "Complaint; form of;" Section 368, entitled "Right to bail;" Section 369, entitled "Hearing of cause; punishment;" Section 370, entitled "Suspension of fine; probation of prisoner;" Section 371, entitled "Right of appeal; bond pending appeal;" Section 372, entitled "Preferred cases on appeal; how tried;" Section 373, entitled "Disobeying orders of court, punishment for;" Section 374, entitled "Obstructing officers in performance of duties;" Section 375, entitled "Advisory board;" Section 376, entitled "Duties of board;" Section 377, entitled "Confessions and admissions of children;" Section 378, entitled "Juveniles not criminals;" Section 379, entitled "Child help for safekeeping;" Section 380, as amended, entitled "Clerks;" Section 381, entitled "Counties excepted;" Section 382, entitled "Punishment for wrongful imprisonment of children;" and Section 383, entitled "Officer serving process, etc., under juvenile courts; costs and fees of."

(2) The following sections of Title 45 of the Code of Alabama, 1940, are hereby expressly repealed:

Section 239, entitled "Mental deficient, how committed to home;" Section 252 (a8) [1973 Cumulative Supplement] entitled "Definitions;" Section 252 (a9) [1973 Cumulative Supplement] entitled "Authority to receive mentally retarded individuals on voluntary admission; who may apply;" Section 252 (a10) [1973 Cumulative Supplement] entitled "Discharge of mentally retarded individuals admitted voluntarily;" Section 252 (a11) [1973 Cumulative Supplement] entitled "Right of mentally retarded individual on voluntary admission to discharge on application;" Section 252 (a12) [1973 Cumulative Supplement] entitled "Reception of mentally retarded individuals on court order;" Section 252 (a13) [1973 Cumulative Supplement] entitled "Judicial procedure for order to care of bond;" Section 252 (a14) [1973 Cumulative Supplement] entitled "Expenses of proceedings; how paid;" Section 252 (a15) [1973 Cumulative Supplement] entitled "Leave and discharge;" and Section 252(a16) [1973 Cumulative Supplement] entitled "Transfer of mentally retarded individuals."

## Article 6. MISCELLANEOUS.

6-101. Security and protection of judicial facilities.—In connection with the security and protection of the judicial building and those sites other than the judicial building when the supreme court so meets, the supreme court is authorized to institute and maintain safety programs and precautions. The marshal, assistant marshals and deputy marshal, and other personnel designated by the supreme court are made conservators of the peace and shall have the power to make arrests and serve subpoenas. The uniforms, arms and other equipment of such marshals, and other personnel so designated by the supreme court, may be paid from any funds appropriated to the supreme court.

6-102. Advisory and standing committees.—The supreme court is authorized and empowered in connection with any rule-making power or other function to appoint from time to time various advisory committees or standing committees composed of justices, judges, lawyers, law professors and other persons to serve on such committees and the chief justice is authorized and empowered to direct that the expenses of such advisory committees or standing committees, including, but not limited to, the expenses, compensation and employment of consultants, reporters, travel expenses, including, but not limited to, transportation, meals, lodging, membership fees, registration fees, printing and postage, be paid from any funds appropriated to the supreme court, administrative office of courts, department of court management, permanent study commission on Alabama's judicial system, or grant funds.

6-103. Court facilities.—The appellate courts, the administrative office of courts and the department of court management are authorized and empowered to contract with county commissions, municipalities, private individuals, corporations or entities for offices and other physical facilities at locations outside the seat of government, as well as in Montgomery, to be used for the hearing of cases and court needs, as well as office needs of justices, judges and court-related personnel.

6-104. Travel expenses of appellate court personnel.—The justices, judges, officers, officials and employees of the appellate courts shall be entitled to be reimbursed their actual expenses of travel, including, but not limited to, transportation costs, meals, lodging, registration fees, tuition fees and membership fees, when attending judicial colleges, seminars, conferences, conventions, meetings and court functions in or outside the state of Alabama, without regard to any limitation or requirement contained in Section 154 of Title 41 of the Code of Alabama, 1940, as amended, all in accordance with the approval of the chief justice.

6-105. Publishing and construction of rules.—Since the supreme court now has the initial primary duty to make and promulgate rules governing practice and procedure in all courts, as well as rules of administration for all courts, all such rules made and promulgated by the supreme court shall be filed in the office of the clerk of the supreme court and published in the Alabama Reports. The clerk of the supreme court shall certify to the secretary of state all such rules. The secretary of state shall cause such rules to be published in the Acts of Alabama and in any code of the laws of Alabama whenever such codes are published, or in pocket supplements to codes. In connection with such duty to make and promulgate such rules, the legislature finds that it is within the scope of such authority for the supreme court to make rules of administration pertaining to the collection, use, protection and disclosure of information, statistics and records involved in the administration of justice, criminal or

otherwise, including information to be stored, or which is stored, in computers; collection of unpaid court costs, fines and forfeitures; the security of courts; the procedures, forms and standards for appointment of attorneys for indigents in criminal cases and in the event an indigent becomes non-indigent, collection procedures for attorney's fees, transcript fees and other expenses paid by the state during the period of indigency. Rules heretofore promulgated by the supreme court shall not be considered to have been superseded or modified by this Act unless by express reference herein or by law hereinafter enacted or by irreconcilable conflict herewith. The clerk of the supreme court shall give his opinion in writing on any question of the interpretation of any rule of administration promulgated by the supreme court to any other officer or official of the state who shows a need for such opinion and requests the same. The written opinion of the clerk of the supreme court shall protect the officer or official to whom it is directed as well as other officers or officials who use it as guidance from liability to either the state, county or other municipal subdivision of the state because of any official act or acts performed as directed or advised in such opinion; however, such opinion shall be merely advisory. Such opinions shall be published in the Alabama Appellate Report.

6-106. Appropriation use.—The supreme court is further authorized and empowered to use monies or funds appropriated to it, including, but not limited to, the monies appropriated for the administrative fund, advisory committee work and judicial education, to be used for any judicial purposes the supreme court may direct, including, but not limited to, the preservation, acquisition, framing and repair of portraits, pictures, murals, photographs, resolutions and orders of the court, historical documents, archives; the publishing of books, pamphlets and other publications; use of consultants; expenses of visiting jurists and other judicial or legally-related individuals who are performing services to the courts of this state; ceremonies; seminars and conferences pertaining to courts and the administration of justice for justices, judges and court-related personnel within or outside the state, and the clerk of said court is authorized to direct payment for all expenses connected therewith, including, but not limited to, meal meetings.

6-107. Diminution of compensation; other benefits.—It shall be lawful for any justice, judge, official, officer or employee of the judicial branch of government, including any retired or supernumerary justice, judge, officer, official or employee, to voluntarily diminish the compensation, salary, retirement benefits or any other benefits of monetary value fixed by law to which he is entitled, from time to time, to such extent as he may desire, on forms and in the manner prescribed by the administrative office of courts. However, this shall not prevent such justice, judge, officer, official or employee from drawing his travel expenses or allowances provided he is performing duties or engaging in activities in behalf of the judicial system of Alabama. Any such justice, judge, officer, official or employee of the judicial branch of government, including retired and supernumerary justices, judges or employees, other than probate and municipal court judges and employees, shall be entitled to any and all employee benefits to which other state employees, officers, or officials on active duty status are so entitled, including, but not limited to group hospital, medical and surgical insurance, regardless of whether such officer, official or employee is receiving his compensation from grant funds or otherwise. While the positions of supernumerary justices and judges have different statutory origins from retired justices and judges,

nevertheless, since the passage of Constitutional Amendment 328, the legislature finds that all supernumerary justices and judges and retired justices and judges fall within the retirement category and there should be no differences between the same in regard to social security, tax benefits or advantages, and employee benefits, and that uniformity of treatment should be given and accorded unless statutes specifically otherwise provide. Any justice or judge who is eligible or who will become eligible in the future for supernumerary benefits or retirement benefits shall not forfeit any right by failing to apply for such status at the time that he left or leaves active state service but shall be entitled to all such rights whenever he applies for the same.

6-108. Reimbursement of expenses.—All circuit judges, district court judges, and court supportive personnel, including, but not limited to, referees, clerks, registers, official court reporters, special roving court reporters, special court reporters, bailiffs, magistrates of district courts, and employees of clerks' offices and registers' offices, shall be entitled to be reimbursed their necessary and reasonable expenses of travel, including, but not limited to, transportation costs, meals, lodging, registration fees, tuition fees and membership fees, whenever traveling on official business from the town or city of their office to other locations regardless of whether said location be located within or outside their circuits or districts, or whenever ordered by the chief justice to attend a conference, seminar, college, institute or other educational meeting. Circuit judges shall have the right of election, from time to time, to be reimbursed their necessary and reasonable expenses of travel in accordance with the heretofore provisions of this section or in accordance with the provisions of Section 179 of Title 13 of the Code of Alabama, 1940, as amended. Whenever attendance at such an educational conference, seminar, college, institute or other educational meeting is ordered, non-attendance may be considered a neglect of an official duty, unless excused in advance by the administrative director of courts, the court administrator or chief justice. Whenever any municipal, county, probate or other trial court judge, including any retired or supernumerary municipal, county, probate or other trial court judge, is assigned by the chief justice for temporary service in any court or when requested to attend any conference, seminar, college, institute, or other educational meeting by the administrative director of courts, such director is authorized to pay the actual and reasonable expenses of travel of such judge, including, but not limited to, transportation costs, lodging, meals, registration fees, tuition fees and membership fees. Such judges, officials and employees shall submit their claims for reimbursement of travel expenses to the administrative office of courts on forms and in such manner as may be prescribed by the administrative director of courts.

6-109. Special judges.—Should the need for special judges in the circuit court, district court, or probate court arise, the supreme court may appoint and commission special circuit judges or special district court judges or special probate judges for temporary service; however, the person so appointed shall possess the qualifications of the judgeship to which he is appointed. Such special judges shall qualify by taking the oath of office prescribed in the Constitution. Such appointment shall confer on the special judge all powers, authority and jurisdiction of the respective judgeship to which he is appointed. Such special judge shall receive compensation for his services a sum not to exceed one hundred dollars a day as established by rule and reimbursement for his actual and necessary expenses, including, but not limited to, transportation costs, food, and lodging, to be paid out of the state treasury or in whole or part from grant funds on approval and direction of the administrative office of courts.



6-110. Absence of chief justice from state.—In the event of the absence of the chief justice from the state or in the event of the inability of the chief justice to perform any duty or function required by law or rule, such duty or function may be performed by the senior associate justice available in the seat of government, provided he is requested to do so by the chief justice.

6-111. Supernumerary justice or judge may elect to become retired.—Any former justice of the supreme court or judge of any of the several circuit courts of this state who became a supernumerary justice or judge under the applicable laws of this state prior to September 18, 1973, the effective date of Act No. 1163, approved September 18, 1973, may elect to come under the provisions of Act No. 1163 by filing with the clerk of the supreme court of Alabama within one year after the effective date of this article an instrument in writing electing to come under the provisions of Act No. 1163.

6-112. Contribution for benefits payable to spouse of supernumerary justice.—A supernumerary justice of the supreme court who desires that his spouse receive, after his death, the benefits provided in section 7(c) of Act 1163 must, at the time of the filing of the instrument showing his election to come under the Act, pay into the judicial retirement fund an amount of money equal to the largest sum heretofore paid into that fund by a now-retired justice of the supreme court between the effective date of Act 1163 and the date of his retirement.

6-113. Contribution for benefits payable to spouse of supernumerary judge.—A supernumerary judge of a circuit court who desires that his spouse receive, after his death, the benefits provided in section 7(c) of Act No. 1163 must, at the time of the filing of the instrument showing his election to come under the Act, pay into the judicial retirement fund an amount of money equal to the largest sum heretofore paid into that fund by a now-retired circuit court judge between the effective date of Act 1163 and the date of his retirement.

6-114. Surviving spouses' election.—The surviving spouse of any justice or judge, active or supernumerary, who died at any time before the expiration of one year from the effective date of this Act is authorized to elect to come under the provisions of said Act No. 1163 and obtain the benefits thereof for spouses. Such election is to be manifested in the same manner and within the same time provided in sections 6-111, 6-112, and 6-113, for the election by a supernumerary justice or judge, except that in cases of death of justices or judges, active or supernumerary, during the last six months of the year following the effective date of this Act, an election by a surviving spouse shall be made within six months from the death of the deceased justice or judge. The surviving spouse must, at the time of making the election, pay into the judicial retirement fund a sum which would equal the amount herein required to be paid by a supernumerary justice or judge electing at the time to come under the provisions of Section 7(c) of Act No. 1163.

6-115. Additional duties of judges.—The supreme court may, by rules of court, establish additional duties for judges either within or without the geographical boundaries of the court of the judge, when such is, in the opinion of a majority of the court, necessary to properly serve the administration of justice.

6-116. Procedure when bill introduced to increase or decrease number of judges or change boundaries of circuit or district.—Pursuant to

the constitutional requirement that the supreme court must within three weeks, after a bill is introduced at any session of the legislature to increase or decrease the number of circuit or district judges or to change the boundaries of any judicial circuit or district and report to the legislature its recommendations on the proposed change; the clerk of the house of representatives and the secretary of the state senate shall file with the clerk of the supreme court immediately a certified copy of any such bill. The recommendations of the supreme court shall be filed with the clerk of the house of representatives and the secretary of the state senate within three weeks from the date of the delivery of such bill to the clerk of the supreme court.

6-117. Local legislation affecting the judiciary.—Whenever any bill is introduced in any session of the legislature which pertains to the judiciary which bill calls for local or less than statewide application, the clerk of the house of representatives or the secretary of the senate shall immediately deliver a certified copy of such bill to the administrative director of courts, who shall within ten days after receipt of such certified copy of said bill file an instrument in writing expressing an opinion pertaining to the constitutionality of such bill. Said instrument in writing shall be filed with the chairman of the house judiciary committee, chairman of the senate judiciary committee, clerk of the house of representatives and the secretary of the state senate.

#### Article 7. COURT PERSONNEL.

7-101. Court personnel become employees of the state; court personnel become subject to benefits and regulations as other state employees; settlement of dispute regarding which persons are court personnel.—

(a) Court personnel. All full-time county personnel including all persons for whom funding is provided by the unified judicial budget, serving the district and circuit courts, other than sheriff's deputies and employees and building maintenance and security personnel shall become employees of the state of Alabama on October 1, 1977.

(b) Benefits. Except as otherwise provided by law or rule, all court personnel employed by the state shall be subject to the state merit system, retirement and other benefits applicable to other state employees.

(c) Definition of court personnel. Any controversy regarding the composition of that class of persons qualifying as court personnel shall be determined by the administrative director of courts with the advice and consent of the supreme court except where such determinations relate to eligibility, membership, benefits or any other question whatsoever related to retirement, such determination shall be made by the board of control of the employee's retirement system of Alabama.

7-102. Court personnel system.—Except as otherwise provided by law, all court personnel shall be included in the state employee personnel system; provided, that job descriptions, regulations, rate of compensation and administrative procedures applicable court personnel shall be established by the administrative director of courts after consultation with the state employee personnel system. Provided, however, that for any court official or employee with a salary rate which, immediately before the effective date of this act, exceeded the salary rate provided by this act, the county where the court for which he works is located must supplement his salary to an extent sufficient to maintain such former higher rate.

7-103. Circuit clerks, registers and circuit court employees paid by state.—Clerks and registers of the circuit court shall be paid by the state beginning January 16, 1977. The deputy circuit clerk serving the Bessemer cut-off division of the Tenth Judicial Circuit shall for all purposes be deemed a circuit clerk and register and shall be elected as provided for by Section 199 of Title 13 of the Code of Alabama, 1940. Employees in the offices of the circuit clerks and registers, including employees serving district courts, shall be paid by the state beginning October 1, 1977. Employees in the offices of clerks and registers shall be paid by the county through September 30, 1977.

7-104. Compensation of circuit clerks.—Each circuit clerk shall be compensated by the state, beginning January 16, 1977, at a salary rate equal to seventy-five (75) percent of the base salary paid by the state to each circuit judge. Provided, however, that circuit clerks shall each receive a supplemental salary from the general fund of such counties in an amount sufficient to maintain their total salaries at the same relationship which salaries of circuit clerks of the respective counties bear on the effective date of this act to salaries of circuit judges in their respective counties.

7-105. District court clerks; district court clerical employees.—

(a) District court clerk. The clerk of the circuit court shall be ex-officio clerk of the district court within the circuit and shall have administrative responsibility for and supervision of the records and clerical services of the district court in accordance with applicable general laws and rules. Authority and responsibility for the operation of a separate clerk's office for the district court of a county may be authorized by the supreme court upon the written request of the clerk of the circuit court or the judges of the district court. When the supreme court authorizes a separate clerk's office for the district court of a county, the clerk of the circuit court shall not be the ex-officio clerk of the district court and shall have no administrative responsibilities for and supervision over the operation of such office. Whenever a separate district clerk's office is authorized, the administrative responsibility for and supervision of the records and clerical services of the respective district court is vested in an official who shall be known as the clerk of the district court, who shall perform all duties and responsibilities which, if no such clerk of the district court was authorized, would have been performed by the circuit clerk. The clerk of a district court shall be appointed by the administrative director of courts with the advice and consent of the presiding judge of the circuit court and a majority of the district court judges of the district concerned. The clerk of a district court may be removed for cause by the administrative director of courts and shall not be subject to the state merit system except for pay purposes. The separate office of clerk of district court may be abolished by the supreme court and, if abolished, the authority and responsibilities shall be assumed by the clerk of the circuit court.

(b) District court clerical employees. Clerical employees serving the district court in any location shall be a component of the office of the clerk of the circuit court for the county in which they serve; provided, that when a separate district clerk's office is authorized, employees serving in such separate office shall be subject to the supervision and control of the clerk of the district court.

7-106. State assumption of retirement and other employee benefits.—

(a) Employees of the circuit and district court, hereinafter "eligible employees", shall, on October 1, 1977, be covered by the employees' retirement system of Alabama; provided, that an employee who on that date is covered by a local retirement system may by written notice filed within thirty days prior to October 1, 1977, with the comptroller, elect to retain instead membership in the local retirement plan. Upon election of an employee, the comptroller shall pay to such local government plans the employer retirement contribution attributable to employees electing to retain local plan membership; provided that such employer contributions paid by the state to such local retirement plan shall not exceed the employer contribution paid by the state for eligible members transferring to the employees' retirement system of Alabama. The previous local employer shall pay into such local plan any additional amounts necessary to fund said benefits.

(b) Prior service benefits.

(1) Benefits for eligible employees under local plans. Eligible employees who have participated in retirement programs with units of local government which have utilized the state employees' retirement plan to administer the funding of such plans shall receive full credit for all prior service for which they had been given credit under such local retirement programs; provided, that the employer and employee contribution attributable to such prior service credit shall be transferred into the employees' retirement fund on account of such employee under the same rules and regulations applicable to other members of the employees' retirement system on October 1, 1977.

(2) Benefits for eligible employees not previously covered by retirement plans. Eligible employees who have not participated in retirement programs with units of local government shall be granted prior service credit by the employees' retirement system of Alabama, based on length of previous court employment, to a maximum of five years. The secretary-treasurer of the employees' retirement system of Alabama shall authorize and direct the comptroller to pay the cost of granting such prior service credit in such amounts as determined to be necessary and the comptroller shall pay such amounts as necessary for both employer and employee contributions into the employees' retirement fund on account of such eligible employee under the same rules and regulations applicable to other members of the employees' retirement system. In addition to the five year prior service credit described above, any eligible employee may purchase prior service credit, not to exceed actual years served, by direct payment to the employees' retirement system within ninety (90) days after October 1, 1977, in such amount as determined to be necessary by the employees' retirement system for the prior service credit desired.

(c) Other benefits. The administrative office of courts shall, after consultation with the state and local personnel systems, adjust benefits of court personnel joining the state personnel system on October 1, 1977, including clerks, registers and judges, to assure continuation of existing employee benefits at the same rates and amounts as were in effect for such employees on August 1, 1975. The comptroller shall, subsequent to the establishment of benefits and the employer cost thereof, pay the employer contribution.

7-107. Secretaries, bailiffs and reporters. —

(a) Judicial Secretaries.

(1) Classified positions of secretaries existing under local government merit systems. Classified positions of secretaries existing under local government merit systems in those circuits having fifteen or more circuit judges, serving the courts on the effective date of this article, shall be subject to the provisions of the state merit system and all other benefits applicable to state employees; provided, that they shall have the retirement benefit options described in section 7-106(2) of this article.

(2) Confidential secretaries. In circumstances other than those provided above, each circuit and district court judge may employ a confidential secretary without regard to civil service qualifications or regulations, to serve at the pleasure of the judge. However, before the appointment thereof, the administrative director of courts shall certify to the state comptroller and presiding circuit judge of the respective circuit that such a secretary is needed. The compensation of confidential secretaries shall be fixed by the administrative director of courts.

(b) Secretaries for clerks.

(1) Positions authorized and existing on June 1, 1975. Each circuit clerk who is authorized the position of confidential or private secretary as of June 1, 1975, shall be entitled to keep such position. Such confidential secretary shall be appointed and serve at the pleasure of the circuit clerk and shall be entitled to all rights, privileges and benefits of merit system employees, and shall be paid from the same fund as merit system employees without regard to merit system qualifications or regulations, at the highest rate of pay that an employee of the circuit clerk in his circuit is entitled to receive.

(2) Confidential secretaries. Each circuit clerk may employ a confidential secretary subject to the merit system for pay purposes only, to serve at the pleasure of the circuit clerk. However, before the appointment of such a secretary, not serving on the effective date of this article, the administrative director of courts shall certify to the state comptroller and presiding circuit judge of the respective circuit that such a secretary is needed; provided, that the job positions so authorized shall not become effective until the necessary appropriations have been provided.

(c) Bailiffs and court reporters. Positions for bailiffs and court reporters existing on the effective date of this article shall continue as provided by law. Additional positions for bailiffs and court reporters in the circuit and district court may be authorized by the administrative director of courts upon recommendation of presiding circuit judges. Bailiffs, when authorized, shall be confidential employees employed by and serving at the pleasure of the judge in whose court they serve.

7-108. Referees.— District judges may appoint, with the approval of the administrative director of courts, referees to serve in connection with juvenile cases. Referees must be licensed to practice law in this state.

7-109. Registers.—

(a) Vacancies. When the position of register in any circuit court becomes vacant upon the death, resignation, retirement, or inability of the incumbent to satisfy the conditions for reappointment specified in subsection (b), the vacancy shall not be filled and the responsibilities and authority of the register shall become the responsibilities and authority of the clerk of the circuit court for the county where the register served.

(b) Reappointment. A register who:

(1) holds office on the effective date of this Act, and

(2) is not eligible to retire and receive retirement compensation by reason of age and years of service or by provision of any retirement program in effect on January 16, 1977, may be reappointed for terms of six years, but no register shall be reappointed after completion of any term during which he becomes eligible to retire and receive retirement compensation; provided, that until such time as the register becomes eligible to retire and receive retirement compensation, reappointment shall be automatic unless a majority of the circuit judges within the circuit, or by unanimous agreement where there are only two circuit judges, file a written declaration with the administrative director of courts stating that the register shall not be reappointed. At such time, the office shall be deemed vacant under subsection (a) above.

(c) Compensation.

(1) Each register shall be compensated by the state beginning January 16, 1977; employees in the office of register shall be compensated by the state beginning October 1, 1977. Employees in the office of a register compensated at the expense of the individual register shall be continued at their rate of compensation on January 16, 1977, until September 30, 1977, to be paid during that period by the county in which the service is rendered.

(2) When the state assumes responsibility for compensating registers, each shall be paid a salary in lieu of all other fees previously received pursuant to statute or rule, equal to the highest net annual income received for services rendered as register for the three years next preceding the effective date of this Act, as certified by the administrative director of courts; provided, that in no event shall the salary of any register be less than eighty-five hundred dollars (\$8,500.00) per annum; provided further, that no register who is being paid on a salary basis at the time this Act becomes law shall suffer a reduction in salary.

#### 7-110. Court reporters.—

(a) Transcript fees. Notwithstanding any statutes existing on the effective date of this Act which prescribe fees to be paid to court reporters for producing transcripts of their stenographic notes, the amounts of these fees may be fixed and adjusted by the supreme court at such times as it shall determine.

(b) Special reporters. Special roving reporters can be appointed and serve at the pleasure of the administrative director of courts on either a part-time or full-time basis and shall perform duties at places and in such manner as prescribed by the administrative director of courts. The rate of compensation of such special roving reporter shall be established by the administrative director of courts. Special reporters may be employed by a circuit judge or district court judge, as the work of the court requires, subject to prior approval of the administrative director of courts as to the need of such employment, length of employment, amount of compensation, and use thereof. Transcript fees of special roving reporters and special reporters shall be paid at the rate set for court reporters, pursuant to subsection (a). The administrative director of courts shall promulgate regulations providing for use by judges of official court reporters or previously appointed special roving reporters and special reporters when

these reporters are not otherwise officially engaged in order that special reporters only be appointed when official reporters and special roving reporters are not available.

(c) Salaries of court reporters. Act No. 510, approved August 21, 1969 (Section 267[1] of Title 13 of the Recompiled Code), is amended to add a new subsection (3) to read as follows:

“(3) The salary paid to the official court reporter by the state, as specified in subsection (1), shall be increased to ninety-eight hundred dollars (\$9,800.00) per annum on October 1, 1975, and further increased to twelve thousand dollars (\$12,000.00) per annum on October 1, 1977.”

(d) Salaries of supernumerary court reporters. Act No. 753, approved September 18, 1967 (Section 270[4] of Title 13 of the Recompiled Code), is amended to read as follows:

“Section 1. Every supernumerary circuit court reporter shall serve for life and receive annually, a salary of six thousand dollars (\$6,000.00), payable out of the state treasury as other salaries are paid, but a supernumerary reporter designated to perform services as a reporter in court shall be compensated, in lieu of the salary specified in this section, in like manner and as official court reporters are paid, for the duration of his services in court.”

7-111. Expenses of court employees.—Court employees, including but not limited to active and supernumerary court reporters, clerks, registers and persons employed in those offices, shall be reimbursed by the state in the same manner as the state employees generally for their expenses incurred in the performance of official duties at locations other than their principal court site.

7-112. Eligibility for supernumerary status; clerks and registers.—Any clerk or register of the circuit court, serving when this article becomes law, or clerks elected or appointed, in any county of the state of Alabama:

(a) who has served as much as five years as a circuit clerk or register and who has become permanently, physically or mentally, unable to carry out the duties of the office on a full-time basis, proof of such disability being made by a certificate of three reputable physicians; or

(b) who has served for twelve years as a circuit clerk or register and has reached or passed the age of sixty-five (65) years; or

(c) who has served for fifteen years as circuit clerk or register, and who is not less than sixty-two (62) years of age; or who has served as such for more than fifteen years and has attained age sixty-two (62) less one year for each year of service in excess of fifteen; or

(d) who has served continuously for ten years as circuit clerk or register and who is not less than seventy (70) years of age; or

(e) who has served for not less than eighteen years or three full terms, as a circuit clerk or register; may elect to become a supernumerary clerk of the circuit court or supernumerary register of the circuit court, of the county in which said clerk or register has served as such official by filing a written declaration to that effect with the administrative director of courts, at least thirty (30) days prior to the time said clerk or register desires to become a supernumerary official. If the administrative director

of courts shall find that such applicant is qualified under any of the subdivisions (a) through (e) hereinabove set forth, a commission as supernumerary clerk of the circuit court or register of such court for the county in which he has served, shall thereupon be issued to such applicant by the secretary of state. The provisions herein shall apply only to those persons who are fifty-five (55) years of age or older and who are in office at the time of the passage of this article or who may thereafter become eligible under its provisions.

7-113. Oath of office for supernumerary clerk or register.—Such supernumerary clerk or register of the circuit court in the various counties of the state of Alabama shall take the oath of office prescribed for clerks and registers of the circuit courts in this state and if a vacancy shall occur in the office of clerk or register in the county in which one or more supernumerary clerks or registers hold a commission, the chief justice shall immediately appoint one such supernumerary from the county in which such vacancy occurs, and such supernumerary so appointed shall immediately assume and exercise all of the duties, powers and authority of such official in said county until a permanent successor is appointed or is otherwise selected. All fees and commissions which may become due while such supernumerary is so acting shall be paid into the state fund as designated by law, and the salaries of the employees in such office shall be paid by the state of Alabama during such period.

7-114. Term of supernumerary office; compensation. Every such supernumerary official shall serve for life, and receive in equal monthly installments on the first of each month an annual salary computed on the following basis:

(a) (1) the annual salary for supernumerary circuit clerks who were salaried clerks shall be sixty-five (65) percent of the salary paid by the state to that circuit clerk;

(2) the annual salary for supernumerary circuit clerks who were fee clerks shall be sixty-five (65) percent of a base sum which shall be sixty-five (65) percent of the state compensation paid to a circuit judge; and

(3) after such time as all circuit clerks shall be paid a salary by the state, the annual salary for supernumerary circuit clerks shall be sixty-five (65) percent of the annual salary paid by the state to circuit clerks;

(b) the annual salary for a supernumerary register shall be seventy-five (75) percent of the average net annual income received for services rendered as register for the three years next preceding the election to become supernumerary.

7-115. Contributions into supernumerary fund; establishment of fund.—Officials electing to come under the provisions of this article shall contribute to the clerk's and register's supernumerary fund of the state of Alabama, which is hereby created, in amounts to be determined as follows:

(a) Circuit clerks shall contribute an amount equal to five (5) percent of their salary or, if on fees, the base sum as computed in section 7-114(a), due and payable monthly in equal installments, until such time as all circuit clerks are compensated by salary. At the time such clerks are compensated by salary in lieu of fees, the contributions herein contemplated shall be four and one-half (4½) percent of the total per annum state compensation for the circuit clerk in the county of residence of said clerk.



(b) Circuit registers shall contribute per annum, due and payable monthly in equal installments, an amount equal to five (5) percent of the highest net annual income received for services rendered as register for any one year of the three years next preceding February 14, 1975, for each year for which prior service credit is sought until such time as all registers are compensated by salary in lieu of fees. The contributions herein contemplated shall be four and one-half (4½) percent of the total per annum state compensation for the circuit register in the county of residence of said register.

7-116. Prior service credit.—Prior service credit may be obtained by a clerk or register in office on the effective date of this article for years served in the individual capacity of clerk or register on a continuous basis; prior service credit must either be for time served as clerk or as register without allowance for service as both clerk and register; provided, prior service credit for each individual position may not be combined. Further, one seeking to qualify as supernumerary clerk shall count only time served as clerk and one seeking to qualify as supernumerary register shall count only time served as register. If any person subject to the provisions of this article shall seek to obtain prior service as either clerk or register they shall contribute to the clerks and registers supernumerary fund, state of Alabama, for each year for which prior service credit is sought up to a maximum of fifteen years. No official hereunder shall be eligible for prior service credit to become supernumerary unless payments as provided hereinafter have been paid. However, any official who otherwise qualifies may become eligible upon the passage of this article, or within two years from the effective date thereof, by paying in a lump sum computed on the basis of the formula enumerated in this section or by paying such sum into the appropriate fund, in equal installments, with no interest, over a two year period from the effective date of this article; provided, that no compensation benefits shall accrue to any official electing to become supernumerary hereunder until all contributions have been paid. Payments necessary for prior service credit shall be computed as follows:

(a) circuit clerks shall contribute an amount equal to five (5) percent of their salary or, if on fees, the base sum as computed in section 7-114(a), for each year for which prior service credit is sought;

(b) circuit registers shall contribute an amount equal to five (5) percent of the highest net annual income received for services rendered for any one year of the three years next preceding February 14, 1975.

7-117. Officials covered by article.—Any clerk or register of the circuit court shall be subject to the terms of this article unless he notifies the administrative director of courts in writing to the contrary thirty (30) days subsequent to the effective date of this article.

7-118. Return of contributions to other plans.—All contributions of circuit clerks or registers heretofore made to county or state supernumerary or retirement funds shall be refunded to said contributor if election is made to come within this supernumerary plan.

7-119. Return of contributions upon termination of service.—Should the service of the circuit clerk or register be terminated prior to the time he or she is entitled to receive supernumerary benefits under this article, such circuit clerk or register shall have the right to elect to withdraw from the supernumerary fund and to have refunded his or her contributions, plus

accrued interest thereon under the same rules, regulations and rates applicable to similar refunds of contributions under the employees' retirement system of Alabama.

#### Article 8. MUNICIPAL COURTS.

##### 8-101. Establishment of court; jurisdiction.—

(a) There is hereby established, effective December 27, 1977, for each municipal corporation (referred to in this article as "municipality") within the state, except those which elect not to have such courts by ordinance adopted before December 27, 1977, a municipal court subject to the authority, conditions and limitations provided by law.

(b) The municipal court shall have jurisdiction of all prosecutions for the breach of the ordinances of the municipality within its police jurisdiction. A municipal court shall have the number of judges and shall hold court at times and places provided by the municipal governing body.

(c) A municipal court shall have concurrent jurisdiction with the district court of all acts constituting violations of state law committed within the police jurisdiction of the municipality which may be prosecuted as breaches of municipal ordinances.

(d) All cases in municipal courts will be tried by a judge without a jury.

##### 8-102. Provisions for judges: number, how appointed, term of office, disqualifications, maintenance of office.—

(a) The governing body of the municipality shall, by vote of a majority of its members, appoint judges of the municipal court. The term of office of each full-time municipal judge shall be for a term of four years. The term of office of a municipal judge other than a full-time municipal judge shall be two years. The term of either full-time or part-time municipal judges shall continue until a successor has been appointed and qualified. In the event that a municipality has more than one judge, the mayor shall designate a presiding judge, who shall have such additional duties and powers and be entitled to receive such additional compensation as provided by ordinance.

(b) Each judge must be licensed to practice law in this state and must be a qualified elector of the state. No judge shall be otherwise employed in any capacity by the municipality during his term of office.

(c) The office of a municipal judge shall be vacant if he dies, resigns, or is removed and vacancies shall be filled by the municipal governing body in the same manner as original appointments are made.

(d) Each municipal judge shall, before assuming office, take and sign the oath provided by the Constitution and a copy thereof shall be filed in the office of the secretary of state, the administrative director of courts and the clerk of the municipality; provided, that failure to file as herein required shall not render invalid any act, order or judgment of said judge.

(e) Municipal judges shall be subject to all grounds of disqualification from hearing specific cases applicable to circuit judges.

(f) No full-time municipal judge shall, during his continuance in office, engage in the practice of law or receive any remuneration for his judicial service except the salary and allowances authorized by the municipality.

(g) The municipality shall provide for prosecution, appropriate facilities and necessary supportive personnel for the municipal court, and may provide for probation services, clerks, and municipal employees designated as magistrates.

8-103. Compensation of judges. —

(a) The salary of the municipal judges shall be fixed from time to time by the municipal governing body and paid by the municipality, but no judge's salary shall be diminished during his term of office.

(b) A general increase in the compensation of all or substantially all city employees shall be applied proportionately to the salaries of such judges.

(c) The municipality may provide for the retirement of municipal judges, with such conditions, retirement benefits, and pensions for them and their dependents as it may prescribe.

8-104. Bail, penalties, and probation. —

(a) Municipal judges shall admit to bail any person charged with violation of any municipal ordinance by requiring an appearance bond, with good security, to be approved by the respective municipal judges or their designees in an amount not to exceed five hundred dollars (\$500.00) and may, in their discretion, admit to bail such persons on a personal recognizance bond; such bonds to be conditioned on the appearance of such persons before the judge on a day named therein to answer the charges preferred against him.

(b) Municipal ordinances may provide penalties of fines, imprisonment, and hard labor, or one or more of such penalties for violation of ordinances. The judgment may provide that if a fine and costs are not paid within the time prescribed, the defendant shall work out the amount of the judgment under the direction of the municipal authority allowing not less than ten dollars (\$10.00) for each day's service.

(c) No fine shall exceed five hundred dollars (\$500.00) and no sentence of imprisonment or hard labor shall exceed six (6) months.

(d) Upon conviction, the court may, upon a showing of inability to make immediate payment of fine and costs, accept defendant's bond with or without surety and with waiver of exemptions as to personalty payable within ninety days, upon non-payment of which execution may issue as upon judgments in state courts.

(e) Municipal courts shall have the authority to accept partial payment of fines, remit fines, costs and fees, impose intermittent sentences, establish work release programs, require attendance of educational, corrective or rehabilitative programs, suspend driving privileges for such times and under such conditions as provided by law and order hearings to determine the competency of the defendant to stand trial; provided further, that the court may enter an order authorizing the defendant to drive under the conditions set forth in the order.

(f) Municipal courts may suspend execution of sentence and place a defendant on probation for varying periods of time, not to exceed two years.

(1) The court may require such investigations as may be deemed necessary and desirable, to be made by a probation officer or such other

suitable person or persons as the court may designate, as to the circumstances of the offense, the criminal record, social history and present condition of the defendant. The court may suspend the execution of sentence and continue the defendant under an existing bond or may require such additional bail as it deems necessary, pending the disposition of the application for probation.

(2) The court shall determine and may, at any time, modify the conditions of probation and may include among them the following, or any other: that the probationer shall avoid injurious or vicious habits; avoid persons or places of disreputable or harmful character; report to the probation officer, or other person designated by the judge; permit the officer to visit him at his home or elsewhere; work faithfully at suitable employment as far as possible; remain within a specified area; pay the fine and costs imposed or such portions thereof as the judge may determine, and in such installments as the judge may direct; make reparation or restitution to any aggrieved party for the damage or loss caused by his offense in an amount to be determined by the court; attend defensive driving schools, alcohol countermeasure programs or courses where available and support his dependents to the best of his ability.

(3) The probation or other officer designated by the court shall investigate all cases when directed to do so by the court and report in writing thereon if the court so directs. The officer, if so designated, shall furnish to each probationer released on probation under his supervision a written statement of the conditions of probation and shall instruct the probationer regarding the same. Such officer shall keep informed concerning the conduct and conditions of each person on probation under his supervision by visiting the probationer, requiring reports from the probationer or others, and shall report thereon in writing as often as the court may require. Such officer shall use all practicable and suitable methods, not inconsistent with the conditions imposed by the court, to aid and encourage persons on probation and to bring about improvement in their conduct and condition. Such officer shall keep detailed records of his work and shall make such reports in writing as the judge may require. The officer so designated shall have, in the execution of his duties, the power to arrest probationers and the same right to execute process as is given by law to peace officers. All reports, records and data assembled by any probation officer and referred to the judge shall be privileged and shall not be available for public inspection except upon order of the judge to which the same was referred. All probation reports completed and filed shall be subject to inspection by the defendant or his attorney.

(4) The period of probation or suspension of execution of sentence shall be determined by the court and may exceed the length of the sentence and such period may be extended a period of two years from date of sentencing. Upon the satisfactory fulfillment of the conditions of probation or suspension of sentence, the court shall by order duly entered on the minutes, discharge the defendant. At any time during the period of probation or suspension of execution of sentence, the court may issue a warrant and cause the defendant to be arrested for violating any of the conditions of probation or suspension of sentence. Any probation officer or police officer with probable cause to believe a probationer has violated the conditions of probation may arrest such probationer without a warrant. In case of an arrest without a warrant, the arresting officer shall have a written statement by such probation officer setting forth that the probationer has, in his judgment, violated the conditions of probation and said statement shall be sufficient warrant for having probationers brought

forthwith before the court for determination as to probable cause for the charge of probation violation. The court may order detention of the probationer pending further hearing, after which the court may revoke the probation or suspension of sentence and order and adjudge that the sentence be immediately executed.

(g) The penalty imposed upon a corporation shall consist of the fine only, plus costs of court.

#### 8-105. Appeals.—

(a) All appeals from judgments of municipal courts shall be to the circuit court of the circuit in which the violation occurred for trial de novo.

(b) The municipality may appeal within sixty days without bond, from a judgment of the municipal court holding an ordinance invalid.

(c) A defendant may appeal in any case within fourteen days from the entry of judgment by filing notice of appeal and giving bond with or without surety approved by the court or the clerk in an amount not more than \$500.00 and costs, as fixed by the court, conditioned upon defendant's appearance before the circuit court. The municipal court may waive appearance bond upon satisfactory showing that the defendant is indigent or otherwise unable to provide a surety bond. If an appeal bond is waived, a defendant sentenced to imprisonment shall not be released from custody, but may obtain release at any time by filing a bond approved by the municipal court. If defendant is not released, the prosecutor shall notify the circuit clerk and the case shall be set for trial at the earliest practicable time.

(d) When an appeal has been taken, the municipality shall file the notice and other documents in the court to which the appeal is taken within fifteen days, failing which the municipality shall be deemed to have abandoned the prosecution, the defendant shall stand discharged and the bond shall be automatically terminated.

(e) Upon trial or plea of guilty in the circuit court on appeal, the court may impose any penalty or sentence which the municipal court might have imposed.

(f) Upon failure of an appellant to appear in circuit court when the case is called for trial, unless good cause for such default is shown, the court shall dismiss the appeal and enter judgment of default on the appeal bond, and may also issue a warrant for arrest of the appellant. A copy of the order shall be delivered by the circuit clerk to the clerk of the municipal court. The circuit court may on motion of defendant made within thirty days of the order of dismissal, set aside the dismissal and other orders and reinstate the appeal on such terms as the court may prescribe, for good cause shown by defendant.

(g) Upon receipt of notice of dismissal of an appeal, the municipal court may issue a warrant for arrest of the defendant, who may also be arrested without a warrant as an escape. Upon arrest defendant shall be delivered to the municipal authorities and punished in accordance with the judgment of the municipal court.

(h) If a judgment is entered against a defendant on appeal, the circuit court shall remand the defendant to the municipal authorities for punishment in accordance with the judgment of the circuit court, unless, when the judgment is for fine and costs only, the judgment is paid or a

judgment is conferred therefor in favor of the municipality with sureties or as otherwise provided for convictions under state law.

(i) Upon receipt of payment of fines and costs upon appeals, the clerk of the circuit court shall within thirty days pay ninety percent of such fines and forfeitures, and ten percent of the costs, to the treasurer of the municipality. The circuit clerk shall be liable on his bond for such fines and costs plus a penalty of five percent per month for default in such payments.

8-106. Appeals from circuit court.—From the judgment of the circuit court, the municipality, in a case holding invalid an ordinance, or the defendant in any case, may appeal to the court of criminal appeals in like manner as in cases of appeals for convictions of violation of the criminal laws of the state. If the appeal is taken by the municipality, it shall not be required to give surety for the cost of appeal. When taken by defendant he may give bail with sufficient sureties, conditioned that he will appear and abide by the judgment of the appellate court, and failing to give bail he must be committed to the municipal jail; but he may give such bail at any time pending the appeal. When an appeal is taken by the defendant and bail is given pending the appeal, and the judgment of conviction is affirmed or the appeal is dismissed, the defendant is bound by the undertaking of bail to surrender himself to the municipal authorities within fifteen days from the date of such affirmance or dismissal, and if he shall fail to do so, the clerk of the circuit court from which the appeal is taken, upon motion of the municipality, must endorse the bail bond forfeited, and a writ or writs of arrest must be issued by the clerk to the sheriff. Upon arrest defendant shall be delivered to the municipal authorities and the sentence must without delay be carried out as if no appeal has been taken. If bail is forfeited as herein provided, a conditional judgment must be rendered by the court in favor of the municipality and the same proceedings had thereon for the municipality as is authorized by law to be had in the name of the state in state cases.

8-107. Court costs.—In addition to costs and charges fixed by law upon conviction for violations of municipal ordinances, the governing body of each municipality having a municipal court may by ordinance provide for the imposition of costs in the maximum amount of \$10.00.

8-108. Further powers and authority of municipal judges.—A municipal judge may administer oaths, compel the attendance of witnesses and compel the production of books and papers, punish by fine not exceeding fifty dollars (\$50.00) and/or imprisonment not exceeding five days any person found and adjudged to be in contempt of court, and shall have power coextensive with the jurisdiction of the district court to issue writs and other process, and to approve and declare bonds forfeited. The municipal judge, or when more than one judge in the municipality, the presiding judge, shall designate any other municipal officers who shall be authorized to approve appearance and appeal bonds.

8-109. Sheriffs and municipal law enforcement officers shall obey municipal judge and execute legal process.—The sheriffs of the counties and law enforcement officers of the municipalities of the state of Alabama shall obey the municipal judge having legal authority in faithfully executing the warrants and processes committed to them for service according to their mandates.

8-110. Warrant issuance, where returnable; municipal court administrative agency; magistrates; rules of administration; bonding.—

(a) Warrant issuance. Municipal judges are authorized to issue arrest and search warrants for municipal ordinance violations returnable to the municipal court and for violations of state law returnable to any state court.

(b) Municipal court administrative agency. The municipal court may have under its supervision a municipal court administrative agency empowered to provide expeditious service in connection with administrative adjudication of ordinance violations; the handling of uniform traffic tickets and complaints; the issuance of arrest warrants; and other powers provided by law. The personnel designated by the judge or judges of the municipal court for the accounting of uniform traffic tickets or complaints and magistrates shall be considered as officials of such administrative agency. Such officials are vested with judicial power reasonably incident to the accomplishment of the purposes and responsibilities of the administrative agency.

(c) Magistrates. The magistrates shall be considered the chief officers of such administrative agency. The supreme court may, by rule, prescribe procedures for the appointment of magistrates by class or position and in addition thereto provide for the appointment of other magistrates by the administrative director of courts, upon recommendation by municipal judges.

The powers of a magistrate shall be limited to:

- (1) issuance of arrest warrants;
- (2) granting of bail in minor misdemeanor prosecutions;
- (3) receiving of pleas of guilty in minor misdemeanors where a schedule of fines has been prescribed by rule;
- (4) accountability to the municipal court for all uniform traffic tickets and complaints, monies received and records of offenses; and
- (5) such other authority as may be granted by law.

(d) Rules of administration; bonding. The supreme court shall provide rules of administration for such administrative agency, including the bonding of all officials which will be handling money.

8-111. Acting municipal judge. — In the absence from the city, death, disability, or disqualification of a municipal judge, for any reason, the mayor of the municipality shall have the authority to designate a person, licensed to practice law in the state and a qualified elector of the state, not otherwise employed in any capacity by the municipality, to serve as acting municipal judge with all power and authority of a duly appointed municipal judge. No such acting judge may serve for more than thirty successive days or a total of sixty days in any calendar year; provided, that when the duly appointed municipal judge is disqualified pursuant to the Constitution, the time of service limitations for acting judges shall not apply during such disqualification.

8-112. Municipal governing body may abolish municipal court. — The governing body of any municipality having a municipal court may at any time by ordinance abolish its municipal court and the jurisdiction of the court so abolished shall be transferred to the district court of the district in which the municipality is located under the conditions and effective dates hereinafter provided. A certified copy of the ordinance abolishing the

municipal court shall be transmitted by certified mail to the clerk of the district court for the district in which the municipality is located, the presiding judge of the circuit court for the judicial circuit in which the municipality is located, the clerk of the circuit court, the clerk of the supreme court, the secretary of state, and the administrative director of the courts. All pending cases and process in those cases which are to be acted upon by the district court after the effective date of the municipal ordinance abolishing the municipal court as hereinafter provided shall be delivered by the clerk of the municipal court to the clerk of the district court at least ten days prior to such effective date, but the records of completed cases and inactive process shall be retained by the clerk of the municipality for a period of ten (10) years. An ordinance abolishing the municipal court shall be effective as follows:

(a) In municipalities with a population of 5,000 or less the transfer of pending cases to the district court shall occur 90 days subsequent to the date of adoption of the ordinance abolishing the municipal court.

(b) In municipalities with a population of 5,001 and up to 50,000, the transfer of pending cases to the district court shall occur 12 months subsequent to the date of adoption of the ordinance abolishing the municipal court.

(c) In municipalities of a population of 50,000 or more, the transfer of pending cases to the district court where the municipality is located shall occur two (2) years subsequent to the date of adoption of the ordinance abolishing the municipal court.

(d) On the effective date of transfer of pending cases as provided in this section all proceedings relating to ordinance violations shall be within the jurisdiction of the district court. Judgments of courts which cease to exist on the effective date of transfer shall continue in effect and the district court is empowered to enforce such judgments. Fines, forfeitures and costs due and unpaid on the effective date of transfer and those which will subsequently be collected on cases pending on the effective date of transfer shall be collected by the district court and remitted to the municipality.

(e) on the effective date of transfer of municipal cases to the district court, the authority, duties, powers, jurisdiction and term of the municipal judge or judges shall terminate.

(f) In the event a municipality ceases to have a municipal court the judges of such courts entitled to receive commissions as district judges pursuant to the Constitution may be commissioned district judges as provided by the constitution.

8-113. Re-establishment of municipal court.—Any municipality which shall have abolished its municipal court may thereafter by ordinance re-establish such court in the following manner:

(a) A copy of the proposed ordinance shall be sent by certified mail to the officers specified in section 8-112 to receive notice of the abolition of municipal courts, together with notice stating the time and place of the meeting at which such ordinance shall be considered for adoption, which shall be no less than fifteen (15) days from the date of mailing such notice.

(b) Such ordinance upon its adoption shall specify the effective date of the re-establishment of the municipal court, which in no event shall be sooner than the following stipulated minimums:



(1) In municipalities of a population of 5,000 or less, the ordinance shall not have an effective date of less than 90 days subsequent to the date of adoption.

(2) In municipalities of a population of 5,001 and up to 50,000, the ordinance shall not have an effective date of less than 12 months subsequent to the date of adoption.

(3) In municipalities of a population of 50,000 or more, the ordinance shall not have an effective date of less than five years subsequent to the date of adoption.

(4) A certified copy of the ordinance re-establishing a municipal court as adopted will be transmitted forthwith by certified mail to the officers specified in section 8-112 to receive notice of the abolition of municipal courts.

(c) All cases and processes pending upon the effective date of the re-establishment of the municipal court shall be delivered by the clerk of the district court to the clerk of the municipal court. Records of completed cases and inactive process shall be retained in the office of the clerk of the district court.

(d) On the effective date of transfer of pending cases as provided in this section all proceedings relating to ordinance violations of the municipality re-establishing its municipal court shall be within the jurisdiction of the re-established municipal court.

8-114. Defense of indigents.—A municipality which retains its court shall provide indigent defense services as otherwise provided by law.

8-115. Reports.—Municipalities shall report on the proceedings of their municipal courts as required by law or rule.

8-116. Judicial notice.—A municipal court shall take judicial notice of the ordinances of the municipality in which it sits.

8-117. Apportionment of court costs, fines and forfeitures.—When a municipal court is abolished as provided by law, the court costs, fines and forfeitures collected by the court clerk as a result of enforcement of ordinances of the municipality shall be remitted as follows: ninety (90) percent of the fines and forfeitures and ten (10) percent of the costs, exclusive of earmarked funds, shall be paid to the treasurer of the municipality, or to the officer corresponding to the treasurer thereof within thirty (30) days after receipt by the clerk of the circuit and/or district court.

8-118. Traffic infractions procedure.—All municipalities shall utilize the uniform traffic infractions procedure as provided by law or rule.

8-119. Express repealer.—

(a) The following sections of Title 37 of the Code of Alabama, 1940, are hereby expressly repealed: Section 582, entitled "Recorder defined;" Section 583, entitled "Recorders, number of, election of, jurisdiction of;" Section 584, entitled "Election of recorder by commissioners in cities operating under commission form of government; compensation; term of office;" Section 585, entitled "Recorders; jurisdiction, powers and duties of;" Section 586, entitled "Recorder; power to fine, punish, imprison, and sentence to hard labor," as amended by Act No. 2233, approved October 1,

1971; Section 587, entitled "Appeal from recorder's court," as amended by Act No. 374, approved September 8, 1955; Section 588, entitled "Judgments on appeals from recorder's court; proceedings thereon;" Section 589, entitled "Exoneration of surety on appeal bond before conditional judgment;" Section 590, entitled "Exoneration after conditional judgment;" Section 591, entitled "Giving new bail; effect of;" Section 592, entitled "Prison dues; convict delivered to sheriff;" Section 593, entitled "Appeal to supreme court;" Section 594, entitled "Recorder; concurrent jurisdiction with county court; judgment of one, bar to prosecution;" Section 595, entitled "Fines and punishments same as in state courts;" Section 596, entitled "Preliminary proceedings before recorder;" Section 597, entitled "Recorder, powers of additional;" Section 598, entitled "Sheriffs shall obey officer and execute process;" Section 599, entitled "Mayor may remit fines and commute sentences;" and Section 600, entitled "Mayor ex-officio recorder."

(b) The following acts or sections of acts are hereby expressly repealed: Act No. 503, approved August 16, 1965 (Section 588[1] of Title 37 of the Recompiled Code); Act No. 665, approved September 6, 1961 (Section 597[1] of Title 37 of the Recompiled Code); and Act No. 1108, approved September 12, 1969 (Section 600[1] of Title 37 of the Recompiled Code).

## Article 9. DEFENSE OF INDIGENTS.

### 9-101. Definitions.—

(a) "Indigent defendant" means any person involved in a criminal or juvenile proceeding in the trial or appellate courts of the state for which proceeding representation by counsel is constitutionally required and who under oath or affirmation states that he is unable to pay for his defense and who is found by the court to be financially unable to pay for his defense.

(b) "Appointed counsel" means any attorney licensed to practice law in the state of Alabama who is appointed by the court to represent an indigent defendant as defined in this section.

(c) "Public defender" means any attorney licensed to practice law in the state of Alabama who receives a salary for representing indigent defendants as defined in this section.

(d) "Indigent defense system" means any method or mixture of methods for providing legal representation to indigent defendants, including use of appointed counsel, use of public defenders or any alternative methods meeting constitutional requirements.

### 9-102. Determination of indigency and provision of defense counsel.—

(a) Judicial role in determining indigency. The trial judge first having cognizance of a criminal or juvenile proceeding in his court shall determine if an accused person or petitioner for post-conviction relief is an indigent defendant. Upon appeal from a trial court to the state appellate courts, the trial judge or the presiding circuit judge shall determine if the appellant is an indigent defendant. In any proceeding initiated originally in a state appellate court or in any case appealed to a state appellate court without a determination of indigency, the presiding judge or chief justice of the appellate court shall determine if the appellant or petitioner is an indigent defendant.

(b) Criteria of indigency. In determining indigency, the judge shall recognize ability to pay as a variable depending on the nature, extent and liquidity of assets; the disposable net income of the defendant; the nature of the offense; the effort and skill required to gather pertinent information; and the length and complexity of the proceedings.

(c) Investigation of indigency. In determining the fact of indigency a judge may require an investigation and report by a district attorney, public defender, sheriff, probation officer or other officer of the court.

(d) Provision of defense counsel. The judge making a determination of indigency shall provide legal representation for the indigent defendant. To the extent possible, judges shall provide continuity in legal representation.

9-103. Responsibility of presiding circuit judge for indigent defense systems.—Within each judicial circuit the presiding circuit judge shall administer the indigent defense system pursuant to rule of the supreme court. Circuit courts may adopt rules, not in conflict with rules of the supreme court, to effectuate a system of indigent defense.

9-104. Indigent defense commissions in each circuit.—

(a) Created. In each judicial circuit, the presiding circuit judge shall appoint an indigent defense commission.

(b) Membership. The indigent defense commission shall be composed of five members who are residents of the judicial circuit in which they are appointed. There shall be two members who are attorneys licensed to practice law in Alabama, one member who is a member of a county commission within the circuit, one member who is the mayor or a member of the governing body of a municipality within the circuit and one member who is a non-lawyer citizen. Each member shall serve for a term of six years from the date of appointment unless removed for cause by the presiding circuit judge after notice and a hearing. Vacancies on the commission shall be filled by the presiding judge.

(c) Compensation. Members of the indigent defense commission shall serve without compensation, except that necessary travel expenses in connection with commission business shall be paid by the state in the same manner as for state employees generally.

(d) Meetings. The indigent defense commission shall meet at least once annually and shall meet whenever so requested by the presiding circuit judge. Three members shall constitute a quorum for conducting business. One member shall be designated a chairman by majority vote of the members.

(e) Power and duties. The indigent defense commission shall perform the following duties and have the following powers:

(1) it shall advise the presiding circuit judge on the indigent defense system to be utilized in each county of the circuit;

(2) it shall advise the presiding circuit judge on the operation and administration of indigent defense systems within the circuit; and

(3) if a public defender system is established within the circuit, it shall select the public defender by majority vote, determine the budget for the public defender, and supervise the operation of the public defender

office. It may remove the public defender for cause after notice and a hearing.

9-105. Choice of indigent defense systems.—

(a) The indigent defense system in the circuit and district court of a county shall be determined as follows:

(1) in circuits with two circuit judges or less the presiding judge of the circuit court, with the advice and consent of the indigent defense commission, shall determine the indigent defense system to be used in each county of the circuit; and

(2) in circuits with three or more circuit judges a majority of the circuit judges, with the advice and consent of the indigent defense commission, shall determine the indigent defense system to be used in each county of the circuit.

(b) The indigent defense system in municipal courts shall be determined by the governing body of the municipality. Such system shall be subject to the administrative supervision of the presiding circuit judge.

9-106. Public defender.—

(a) Creation. In any county or circuit where a public defender system is chosen as a method of providing indigent defense, the indigent defense commission shall choose a public defender.

(b) Term. The public defender shall be appointed for a fixed term not to exceed six years and may be removed from office for cause by the indigent defense commission. The indigent defense commission may require that the public defender serve full-time.

(c) Powers and duties.

(1) Within his geographic jurisdiction, the public defender shall provide defense services to indigent defendants charged with misdemeanors and felonies and referred to him by the court.

(2) The public defender shall, at the request and with the consent of a municipal governing body and the indigent defense commission, represent indigent defendants in a municipal court within his geographic jurisdiction.

(3) The public defender may, with consent of the indigent defense commission, represent an indigent defendant in a state appellate court.

(4) The public defender may, if empowered by the presiding circuit judge and the indigent defense commission, administer the system of appointing private counsel for indigent defendants within his geographic jurisdiction.

(5) The public defender shall keep such records and make such reports as are required by the indigent defense commission, except that attorney-client communications involving the defender or attorneys employed by him shall remain confidential.

(d) Compensation.

(1) The public defender shall receive a salary set by the indigent defense commission and approved by the administrative director of courts.

The salary shall not exceed the state salary paid to a district attorney, and shall be paid in the same manner as employees of the state.

(2) The indigent defense commission, subject to approval of the administrative director of courts, may approve expenditures for attorneys, investigators, other personnel and non-personnel expenses of the public defender.

(3) All salary and expenses of a public defender shall be paid by the state out of the fair trial tax fund or other funds appropriated by the legislature for such purposes, except that in counties authorized to impose a court cost for defender services, the county shall fund defender services from the revenues of said court cost and the state shall pay a reasonable share of the cost of maintaining such office, such reasonable share to be determined by the administrative director of courts.

(e) Section not exclusive of appointed counsel. Nothing in this section shall be construed to exclude establishment of appointed counsel systems parallel to a public defender system or to preclude judges from appointing counsel for indigent defendants where there is a conflict of interest involving the public defender or if the public defender is unable to provide prompt and adequate representation.

9-107. Compensation of appointed counsel.—Compensation of counsel appointed to represent indigent defendants shall be paid by the state in such amounts as otherwise provided by law. The procedure for approval and payment for such services shall be as provided by law or rule as may be promulgated by the supreme court.

9-108. Section 1 of Act No. 2420, approved October 1, 1971 (Section 318[1] of Title 15 of the Recompiled Code), is amended to read as follows:

“Section 1: Section 318[1] of Title 15, Code of Alabama (1940), is amended to read as follows: in all criminal cases in any court of this state created by authority of the Constitution of 1901, as amended, when a defendant is entitled to counsel as provided by law, the trial judge shall before arraignment ascertain from the accused, or otherwise:

1. whether or not defendant has arranged to be represented by counsel.
2. whether or not defendant desires the assistance of counsel.
3. whether or not defendant is able financially or otherwise to obtain the assistance of counsel.”

9-109. Express repealer.—That portion of Section 2 of Act No. 2421, approved October 1, 1971 (Section 83[2] of Title 11 of the Recompiled Code), which is entitled and reads as follows is hereby expressly repealed:

“Section 2. Expressly excepted from the provisions hereof are: 1. Cases in the Mayor's, Recorders, or Municipal Courts wherein the offense charged is the violation of an ordinance of the City or Town; but not cases in such courts where the offense charged would also be a violation of State law.”

#### Article 10. PROBATION SERVICES.

10-101. Section 19 of Title 42 of the Code of Alabama, 1940, as amended, entitled “Probation and suspension of execution of sentence,” is amended to read as follows:

"§19. Probation and suspension of execution of sentence.—Circuit courts and district courts, subject to the provisions and conditions hereinafter provided, may suspend execution of sentence and place on probation any person convicted of crime in any court exercising criminal jurisdiction. The court shall have no power to suspend the execution of sentence imposed upon any person who has been found guilty and whose punishment is fixed at death or imprisonment in the penitentiary for more than ten years. Except in the case hereinabove provided, the court, after a plea of guilty, or after the returning of a verdict of guilty by the jury, or the rendition of a judgment of guilty by the court may suspend execution of sentence and place the defendant on probation, or may impose a fine within the limits fixed by law and also place the defendant on probation."

10-102. Section 23 of Title 42 of the Code of Alabama, 1940, entitled "Duties of probation officers; records," is amended to read as follows:

"§23. Duties of probation officers; records.—A probation officer shall investigate all cases referred to him for investigation by any court or by the board and shall report in writing thereon. He shall furnish to each person released on probation under his supervision a written statement of the conditions of probation and shall instruct him regarding the same. Such officer shall keep informed concerning the conduct and condition of each person on probation under his supervision by visiting, requiring reports and in other ways and shall report thereon in writing as often as the court or the board may require. Such officer shall use all practicable and suitable methods, not inconsistent with the provisions imposed by the court, to aid and encourage persons on probation and to bring about improvements in their conduct and condition. Such officer shall keep detailed records of his work and shall make such reports in writing to the court and the board as they may require. A probation officer shall have, in the execution of his duties, the powers of arrest and the same right to execute process as is now given, or may hereafter be given by law, to the sheriffs of this state. Provide further, that all reports, records and data assembled by any probation officer and referred to the court shall be privileged and shall not be available for public inspection except upon order of the court to which the same was referred. And provided, however, that in no case shall the right to inspect said report be denied the defendant or his counsel after said report has been completed or filed."

10-103. Section 24 of Title 42 of the Code of Alabama, 1940, as amended, entitled "Termination of probation; arrest; subsequent disposition," is amended to read as follows:

"§24. Termination of probation; maximum probation period; termination of probation upon showing of substantial compliance; arrest; subsequent disposition.—The period of probation or suspension of execution of sentence shall be determined by the court and such period may be continued, extended or terminated; provided, in no case shall the maximum probation period of a defendant guilty of a misdemeanor exceed two years; of a defendant guilty of a felony, five years. Upon the satisfactory fulfillment of the conditions of probation or suspension of sentence the court shall by order duly entered on its minutes discharge the defendant. The court granting probation, may, upon the recommendation of the officer supervising the probationer, terminate all authority and supervision over said probationer prior to the declared date of completion of probation upon a showing of continued satisfactory compliance with the conditions of probation over a sufficient portion of the period of said probation. At any time during the period of probation or suspension of

execution of sentence, the court may issue a warrant and cause the defendant to be arrested for violating any of the conditions of probation or suspension of sentence. Except as provided in Article 5 of this Act any probation officer, police officer or other officer with power of arrest upon the request of the probation officer, may arrest a probationer without a warrant. In case of an arrest without a warrant the arresting officer shall have a written statement by said probation officer setting forth that the probationer has, in his judgment, violated the conditions of probation and said statement shall be sufficient warrant for the detention of said probationer in the county jail, or other appropriate place of detention, until such probationer shall be brought before the court. Such probation officer shall forthwith report such arrest and detention to the court and submit in writing a report showing in what manner the probationer has violated probation. Thereupon the court, after a hearing, may revoke the probation or suspension of execution of sentence and shall proceed to deal with the case as if there had been no probation or suspension of execution of sentence."

#### Article 11. ADMINISTRATIVE DIRECTOR OF COURTS.

11-101. Administrative director of courts, duty to assist chief justice.—The administrative director of courts shall assist the chief justice of the supreme court of Alabama in connection with his duties as administrative head of the judicial system of Alabama; the chief justice's task of seeing that the business of the courts of the state is attended with proper dispatch; the chief justice's task that the dockets of court are not permitted to become congested and that trials and appeals of cases are not delayed unreasonably.

11-102. Specific authority and duties of director.—In addition to any other duties and responsibilities that may be assigned to the administrative director of courts by the chief justice, he shall have the following duties and authority with respect to all courts, all subject to the direction of the chief justice:

(a) require the filing of reports, collection and compilation of statistical data and other information on the judicial and financial operation of the courts and on the operation of other offices directly related to and serving the court, all subject to the direction of the chief justice;

(b) determine the state of the dockets and evaluate the practices and procedures of the courts and make recommendations concerning the number of judges, and other personnel required for the efficient administration of justice;

(c) prescribe uniform administrative and business methods, systems, forms and records to be used in the offices of the clerks and registers of courts;

(d) prepare and submit budget recommendations for state appropriations necessary for the maintenance and operation of the unified judicial system, with the exception of appellate courts, and authorize expenditures from funds appropriated for these purposes as permitted or authorized by law;

(e) investigate, make recommendations concerning, and assist in the securing of adequate physical accommodations for the unified judicial system;

(f) procure, distribute, exchange, transfer, and assign such equipment, books, forms and supplies as are acquired with state funds or grant funds, or otherwise, for the unified judicial system;

(g) make recommendations for the improvement of the operations of the unified judicial system;

(h) prepare and submit an annual report on the work of the unified judicial system to the chief justice;

(i) assist the chief justice in performing his duties relating to the transfer and assignment of justices and judges for temporary or specialized duty;

(j) assist the judicial conference in its tasks;

(k) promote, carry on and assist in programs designed to aid in the continuing education of justices, judges and other court personnel;

(l) take necessary steps in the collection of unpaid court costs, fines and forfeitures;

(m) serve as a liaison with the executive and legislative branches of the state government; and

(n) perform such additional administrative duties as may be assigned by the chief justice.

#### 11-103. Administrative responsibility.—

(a) The administrative director of courts shall serve as ex-officio head of the department of court management and shall also be the head of the administrative office of courts, which is hereby created. Unless the chief justice otherwise directs, the department of court management, under the direction of the administrative director of courts, shall have the responsibility for trial court administration.

(b) The administrative office of courts may serve as an agency to apply for and receive grants or other assistance and to coordinate or conduct studies and projects in connection with the improvement of the administration of justice. All officials, officers and employees of the administrative office of courts, including the administrative director of courts, shall be appointed, employed, serve and receive compensation in accordance with the provisions of Act No. 60, approved December 17, 1971, whether employed by grant funds or otherwise. The chief justice shall have the same authority pertaining to the use of officials, officers, employees, and monies of the administrative office of courts and shall have the same authority of direction as he has with and to other governmental judicial entities or courts as is set forth in said Act 60. However, the officers, officials and employees of the department of court management, other than the court administrator and the assistant court administrator, shall automatically come under the provisions of the personnel merit system after serving a continuous period of six months with the department of court management; provided, they are not receiving their compensation in whole or in part from grant funds. Thereafter, the officers, officials and employees of the department of court management, other than the court administrator and the assistant court administrator, shall be governed by personnel merit system laws, rules and regulations the same as other employees in the state service, as administered by the state personnel department, but nothing herein shall



be construed to prevent or preclude the removal of an officer, official or employee for cause in the manner provided by law and such officers, officials and employees, except for appointment and non-merit system service, shall be subject fully to the provisions of the state merit system act and rules and regulations of the state personnel board. The officers, officials and employees of the administrative office of courts and department of court management shall be entitled to insurance, retirement and other state employees' benefits regardless of whether they are not under the state merit system or employed in whole or in part by grant funds, provided that for retirement purposes the state shall contribute only on the funds paid by the state and such salaries as is paid by the state shall be the only amounts included in their average final compensation unless additional employer costs are appropriated from the grant funds.

(c) The chief justice, officers, officials, personnel, and employees of the administrative office of courts and department of court management are authorized to attend colleges, schools, conferences, seminars, and other meetings pertaining to the administration of justice and courts, as well as performing the duties of their office, in or outside the state of Alabama, provided, the chief justice requests them to do so, and are entitled to be reimbursed for their actual and necessary expenses, including but not limited to, travel expenses, lodging, subsistence outside the county of Montgomery, tuition fees, registration fees and membership fees or dues, without regard to any limitation or requirement contained in Section 154 of Title 42 of the Code of Alabama, 1940, as amended.

(d) In connection with studies, projects and functions designed to improve or effect the administration of justice, the operation of courts, and continuing legal and judicial education, the administrative director of courts, the department of court management and the chief justice are authorized to use the services of any member of the judiciary of any court and court-supportive personnel, including but not limited to court reporters, clerks, registers, bailiffs, law clerks, court administrators, secretaries, and employees in clerks' offices and registers' offices. Such members of the judiciary and court-supportive personnel are authorized to attend judicial colleges, institutes, seminars, conferences, court sessions or other meetings concerning the administration of justice, in or outside the state of Alabama, and such members of the judiciary and court-supportive personnel shall be reimbursed their actual and necessary expenses, including but not limited to travel expenses, lodging, subsistence outside the circuit or district in which they are employed, registration fees and membership dues or fees, provided, the chief justice orders such member of the judiciary or any court-supportive personnel to attend the same. In the event the administrative office of courts or the department of court management sponsors any conference or any meeting of members of the judiciary or court-supportive personnel, or sponsors on behalf of any other agency, entity, court or unit of government, or any group of individuals involved in projects designed to improve the administration of justice or continuing education, the administrative director of courts or court administrator of the department of court management is authorized to direct the payment for meal meetings of such conferences or meetings and meeting room expenses, as well as other expenses of such conferences or meetings.

(e) In connection with continuing judicial education of justices, judges and court-supportive personnel, the administrative director of courts is authorized to direct the expenditure of funds appropriated to the

account of the national college of state trial judges or any college or judges by whatever name the account appears, or to any accounts of judicial education for the judicial education of any justice, judge, or court-supportive personnel and may direct the actual and reasonable expenses incurred by a justice, judge or court-supportive personnel attending the national college of state judiciary, or any other college, institute, conference, seminar, or organization be paid.

11-104. Employment of consultants.—In connection with the functions of conducting studies and projects pertaining to improvements in the administration of justice, the improvement of courts in Alabama and continuing legal and judicial education, the chief justice or the administrative director of courts is authorized and empowered to employ consultants and consultant firms in connection therewith and to contract with the same for their services at such compensation and for such time as he determines to be advisable. Such contracts with such consultants or consultant firms shall be considered as contracts for professional services.

11-105. Improvement of administration of justice.—In connection with any federal legislation hereafter passed or presently in force and effect, designed, directly or indirectly, to assist or aid in the administration of justice, criminal or otherwise, or the improvement of courts and the judicial system, the administrative director of courts is authorized and empowered to study any and all applications for funds and grants directed to his office from any federal governmental agency or entity and the disbursement of such aid, assistance, subgrants, funds or monies, to any office or agency of the judicial branch of state government and to direct the disbursement of such aid, assistance, funds, monies, grants or subgrants and coordinate the same with the overall administration of justice in Alabama; to establish priorities pertaining to such; and to designate and direct monies that have been appropriated to and for the administrative office of courts, the department of court management, permanent study commission on Alabama's judicial system, judicial conference, judicial education, the Trial Courts College of Trial Judges, and the supreme court, to be matching money or funds to be used in connection with any such aid, assistance, funds, monies grants or subgrants for either state or local agencies, entities, units or courts, regardless of whether such appropriations are designated for salaries or any other account within the particular appropriation. In connection with any such disbursements, circuit courts, district courts or trial courts, regardless of the name they bear, are designated as proper local units or entities of government to apply for and receive such assistance, aid, funds, monies, grants and subgrants and are further authorized to use monies in public law libraries, funds within their circuits, districts or counties, as matching funds in connection with any judicially or legally related project or function.

11-106. Administrative coordination and use of funds. — In connection with the administration of justice within trial courts or within local court systems the administrative director of courts shall coordinate the functions and duties of administrative personnel including court administrators and court administrative aides to judges, so as the overall administration of justice may function with efficiency and cooperation. The administrative director of courts is authorized to direct the expenditure of monies appropriated to the administrative director of courts, administrative office of courts, department of court management or to any account for trial courts, circuit courts or district courts for any and all functions or projects directly or indirectly affecting the operation of any court, the administration of justice or continuing education for judges

and court-supportive personnel and may transfer monies appropriated for such office, department or account to any one or more of such other accounts, office or department.

11-107. Delegation of authority to act for chief justice.—The chief justice may by power of attorney or other writing, authorize and empower the administrative director of courts, the court administrator, and any other officer in the administrative office of courts or the department of court management or the office of clerk of the supreme court to sign the name of the chief justice to any instruments and documents that he is required to sign, including but not limited to the approval of expense accounts of trial judges and supernumerary or retired judges, approval of fees for attorneys for services rendered in defense of indigents in criminal cases, which instrument of authorization shall be filed in the office of the clerk of the supreme court.

11-108. Membership in organizations devoted to improvement of justice.—The chief justice and officers, officials and employees of the administrative office of courts and department of court management are authorized to join organizations and associations devoted to the improvement of justice or related activities, the administration of justice and improvement of courts or related activities and be reimbursed their membership dues. The director is further authorized to pay such dues and to pay membership dues for the state membership in The National Center for State Courts, Conference of Court Justices, Conference of State Court Administrators, Appellate Judges Conference, National Conference of Appellate Court Clerks, National Conference of Trial Judges and National Conference of Special Court Judges, and other similar organizations, out of any monies appropriated to the administrative office of courts or the department of court management.

11-109. Review of administrative decisions by supreme court justices.—The justices of the supreme court shall have the power and authority to review, countermand, overrule, modify, or amend any administrative decision by either the chief justice or the administrative director of courts. A majority of all the justices shall constitute a quorum for such purpose. The concurrence of a majority of all the justices shall be sufficient to determine the question of whether and how such decision shall be so reviewed, countermanded, overruled, modified, or amended.

## Article 12. JUDICIAL COMPENSATION COMMISSION.

12-101. Duties of judicial compensation commission.—The judicial compensation commission shall recommend to the legislature the salary and expense allowances to be paid from the state treasury for all judges of this state except for municipal and probate judges.

12-102. Powers of the commission.—Each member of the commission shall have the power to administer oaths, take testimony, subpoena and compel the attendance of witnesses and the production of all books, papers, records or documents deemed by the commission to be material or pertinent to any subject within the scope of its studies and investigations.

12-103. Designation of chairman.—The members of the commission shall, by majority vote, designate a chairman from among their number who shall serve for one year from date of election or until his successor is designated and assumes his responsibilities.

12-104. Expenses of commission.—Commission members shall be reimbursed for actual and necessary expenses incurred in the performance of their duties on the commission; provided, expenses shall be approved by the chairman and filed with the comptroller of the state of Alabama.

12-105. Recommendations certified to the secretary of state.—The commission may submit recommendations in the form of a report to the legislature at any time within the first five calendar days of any regular session. Unless rejected by a joint resolution or altered by act of the legislature at the session to which the report is submitted, the recommendations of the commission shall become law upon the adjournment of that session of the legislature. Upon adjournment, the recommendations that have become law shall become effective immediately and shall be recorded and published as other laws.

### Article 13. JUDICIAL INQUIRY COMMISSION.

13-101. Per diem compensation for members of the judicial inquiry commission who are not judges.—Members of the judicial inquiry commission who are not judges, while engaged in the performance of their duties outside the counties of their residence or in attending meetings of the commission, shall be paid per diem compensation in an amount equal to one half of one percent of the annual salary paid by the state of Alabama to circuit judges.

### Article 14. COURT OF THE JUDICIARY.

14-101. Expenses.—Members of the court of the judiciary shall be reimbursed for actual and necessary expenses incurred in the performance of their duties as such members; provided, such expenses must be approved by the chief judge of the court and filed with the comptroller of the state of Alabama.

14-102. Court reporter.—The chief judge of the court of the judiciary is authorized to employ a court reporter, as needed, who shall assist the court by performing those duties assigned to him by the chief judge. The court reporter shall be compensated at a rate established by the chief judge and paid in the same manner as employees of the state.

### Article 15. JUDICIAL CONFERENCE.

15-101. Act No. 118, approved January 12, 1972 (Section 9[2] of Title 13 of the Recompiled Code), is amended to read as follows:

“Section 1: Section 9(2), Title 13 of the 1940 Code is amended to read as follows: A judicial conference for the state of Alabama is hereby created, which shall consist of the chief justice of the supreme court of Alabama and two associate justices of such court, designated by the chief justice; a member of the court of criminal appeals, designated by the presiding judge of that court; a member of the court of civil appeals, designated by the presiding judge of that court; three circuit judges of the state, designated by the president of the association of circuit judges; three lawyers, who are members in good standing of the Alabama state bar, designated by the president of the Alabama state bar; one probate judge, designated by the president of the association of probate judges; and, subsequent to establishment of the district court of Alabama, two district court judges, designated by the president of the association of district judges and two municipal court judges, designated by the president of the association of municipal court judges.”

## Article 16. COURT FINANCES.

16-101. Responsibility of state for expenses.—Except as otherwise provided herein, the operating expenses of the unified judicial system, exclusive of the expenses of probate courts and municipal courts, shall be paid by the state. Counties may supplement state expenditures as provided by law.

16-102. Budget for unified judicial system.—The administrative director of courts shall prepare budget estimates relating to state expenditures for the trial courts of the unified judicial system.

16-103. Phasing of state assumption of financial responsibility for the unified judicial system.—The state assumption of financial responsibility for the unified judicial system shall be phased over three fiscal years.

(a) The state shall be responsible for the following beginning in the 1975-76 fiscal year;

(1) salaries and expenses of the supreme court, court of criminal appeals and court of civil appeals;

(2) salaries and expenses of the judicial inquiry commission, court of the judiciary, judicial compensation commission, permanent study commission on Alabama's judicial system and the judicial conference;

(3) salaries and expenses of circuit judges, and supernumerary and retired justices and judges;

(4) salaries, including supernumerary salaries and expenses, of court reporters paid by the state of Alabama;

(5) salaries and expenses of the office of administrative director of courts and department of court management;

(6) state contributions to judicial retirement unless otherwise provided by law; and

(7) salaries and expenses of public defender programs to the extent currently funded by the state, instituted by local acts or by general acts of local application.

(b) The state shall be responsible for the following beginning in the 1976-77 fiscal year:

(1) all items enumerated in subsection (a) above; and

(2) from January 16, 1977, forward, fees and expenses of jurors, jury commissions and witnesses, salaries and expenses of district judges and salaries of circuit clerks and registers, and clerical office supplies.

(c) The state shall be responsible for the following beginning in the 1977-78 fiscal year:

(1) all items enumerated in subsections (a) and (b) above; and

(2) salaries of warrant issuing magistrates and trial court administrators, expenses for operation of judicial offices and other such expenses and services for which provision is made within the unified judicial budget.

16-104. Disbursement of salaries and expenses.—The salaries and expenses payable to personnel of the unified judicial system out of state funds shall be paid out of the state general fund upon warrants drawn thereon.

16-105. Special procedures for expense items.—The administrative director of courts shall, with the advice of the department of examiners of public accounts, establish special procedures for the prompt payment of juror fees, witness fees and any other expenses necessary to the operation of the unified court system as may be provided by law or rule, which special procedures shall be filed with the state comptroller.

16-106. Cost of operation of facilities.—Courtrooms and related judicial and clerical facilities for the district court shall be provided and maintained by the municipalities where the court shall sit other than at the county courthouse, said facilities to be with the approval of the administrative director of courts.

16-107. State title to equipment, furniture and supplies utilized in trial courts, other than municipal and probate courts.—

(a) The county-owned equipment and furniture used in the operation of the judicial system shall become the property of the state as follows:

(1) on January 16, 1977, all county-owned equipment and furniture used by circuit judges and district judges, formerly judges of the courts of the county, other than that used by judges of probate and municipal courts shall become the property of the state; and

(2) on October 1, 1977, all remaining county-owned property used in the operation of the judicial system shall become the property of the state.

(b) Supplies located in offices covered by the inventory shall become the property of the state on the date when the furniture and equipment in the office or agency becomes the property of the state.

16-108. Inventory of equipment and furniture in trial courts.—

(a) The administrative director of courts shall forthwith inventory all equipment and furniture utilized in the operation of circuit courts and all other trial courts, except probate courts and municipal courts. This inventory shall indicate the agency or office where the property is located, the type and classification of property, its age, its purchase cost and the government agency possessing title. The clerks and registers of the respective circuits and their administrative staffs shall provide assistance in the formulation of the inventory as requested by the administrative director of courts.

(b) The inventory shall be submitted to the governing body of the county for approval. The governing body may object in writing to inclusion of any items in the inventory. The determination of the administrative director of courts as to the items to be transferred to the state shall be final unless modified by a court of competent jurisdiction.

16-109. Uniform fee system in circuit court and district court.—

(a) Court fees in civil and criminal cases in the circuit court and district court shall be uniform for each type of case and each court level.

(b) The fees prescribed in this article shall be exclusive of all other fees, except that:

(1) the administrative director of courts may, pursuant to supreme court rule, set schedules of fees for payments to court appointed officers, for preparation of transcripts on appeal and for certification of court records;

(2) fees now or hereafter imposed by law on parties to suits and criminal defendants for support of law libraries, public defender services, work release programs and pretrial release programs may be collected and retained by the county collecting such fees;

(3) any fees for counsel, masters, receivers or other court appointed officials and other items of expense assessed and fixed by rule of the supreme court under authority granted by law may be collected; and

(4) any fees assessed according to law for judicial administration or court administration funds may be collected, and retained by the county collecting such fees.

16-110. Docket fees in civil cases to be collected at time of filing. —

(a) There shall be a consolidated civil filing fee known as a docket fee collected from a plaintiff, at the time a complaint is filed in circuit court or in district court.

(b) The docket fee may be waived initially and taxed as costs at the conclusion of the case if the court finds that payment of the fee will constitute a substantial hardship. A verified statement of substantial hardship signed by the plaintiff, approved by the court, shall be filed with the clerk of court.

16-111. Amount of docket fees to be collected in civil cases. — The docket fees which shall be collected in civil cases are:

(a) ten dollars for cases filed on the small claims docket of the district court;

(b) twenty-five dollars for cases otherwise filed in the district court;

(c) thirty-five dollars for cases filed in the circuit court; and

(d) an additional ten dollars to be paid at the time the jury is demanded by any party demanding a jury.

16-112. Distribution of docket fees in civil cases. — The docket fees collected in civil cases shall be distributed as follows:

(a) for cases on the small claims docket of the district court; two dollars to the fair trial tax fund, three dollars to the state general fund and five dollars to the county general fund;

(b) for other district court cases; two dollars to the fair trial tax fund, eighteen dollars to the state general fund and five dollars to the county general fund; and

(c) for cases filed in the circuit court; two dollars to the fair trial tax fund, twenty-eight dollars to the state general fund and five dollars to the county general fund. All sums paid pursuant to Section 16-111, subsection (d) shall be paid to the fair trial tax fund.

16-113. Collection of additional fees in civil cases. — The following fees shall be collected in civil cases in circuit court and district court:

(a) Defendant service fees.

(1) For each defendant in excess of one where personal service is required there shall be collected a service fee of five dollars. For each non-resident defendant there shall be collected a service fee of five dollars, except where service is by publication or by registered mail not to be cumulative with the service fee for multiple defendants. This service fee shall be paid at the time of filing, except that prepayments will not be required if the court finds that payment of such fee will constitute a substantial hardship. A verified statement signed by plaintiff, approved by the court, shall be filed with the clerk of court attesting to such substantial hardship.

(2) Where notice by publication or registered mail is used, the actual cost shall be collected as a service fee at the conclusion of the case.

(b) Witness and subpoena fees. Witness fees shall be collected in the amount prescribed by law. For service of witness subpoenas a fee of two dollars shall be collected for each subpoena.

(c) Post-judgment fees. There shall be collected a fee for the initiation of each of the following post-judgment proceedings: attachment, garnishment and execution. The fee for each such proceeding shall be paid at the time the proceeding is initiated. The amounts of the post-judgment fees are: nine dollars for attachment, nine dollars for garnishment and five dollars for execution.

(d) Additional post-judgment fees paid by county. Fees due to constables and coroners for services in connection with district and circuit court proceedings shall be payable from the county treasury upon a sworn statement certified by the circuit clerk and shall not affect the collection and distribution of uniform fees.

16-114. Distribution of additional fees in civil cases.—The additional fees collected in civil cases shall be distributed as follows:

(a) the first two dollars of each service fee to the county general fund and the balance of each service fee to the state general fund;

(b) witness fees to witnesses pursuant to law;

(c) subpoena fees to the county general fund;

(d) six dollars of the attachment fee to the state general fund and three dollars of the attachment fee to the county general fund;

(e) six dollars of the garnishment fee to the state general fund and three dollars of the garnishment fee to the county general fund; and

(f) three dollars of the execution fee to the state general fund and two dollars of the execution fee to the county general fund.

16-115. Civil fees cumulative on appeal.—If an appeal to circuit court is taken in a civil case, the clerk in making records available in circuit court shall submit a cost bill from district court and the final assessment of cost will be made in circuit court. The appellant shall pay the circuit court docket fee and all unpaid court costs from both district court and circuit court will be assessed as costs on final judgment.

16-116. Assessment of civil fees against defendant; execution against defendant for civil fees; execution against plaintiff when fees remain unpaid.—



(a) Prepaid fees shall be assessed as additional costs of the proceedings when costs are assessed against the defendant.

(b) A plaintiff may have execution against a defendant for prepaid fees assessed as costs against a defendant by a final judgment.

(c) Execution may be had against a plaintiff when execution against a defendant for unpaid fees results in a sheriff's return indicating "no property found".

16-117. Collection and distribution of fines in misdemeanor and felony cases.—Except as otherwise provided in Article 8 hereof, fines collected in misdemeanor and felony cases shall be remitted to the state general fund; provided that state funds or percentages thereof designated for use by state agencies or departments shall be distributed as otherwise provided by law.

16-118. Fees in criminal cases shall be assessed on principal charge at time of conviction.—

(a) Fees in criminal cases shall be assessed upon conviction, except that a judge may excuse payment of fees in any case wherein the defendant serves an active jail sentence.

(b) For the purpose of assessing fees in criminal cases, a case shall include all offenses arising out of the same incident. Fees shall be assessed on the basis of the most serious offense of which the defendant is convicted; provided, that the judge may, in his discretion, assess costs for each conviction. When two or more defendants are charged in the same indictment or complaint, fees shall be assessed against them separately, as if they had been charged separately.

(c) If an appeal is taken from the district court or the municipal court in a criminal case, the clerk in making records available in circuit court or municipal court shall submit a cost bill from district court and the final assessment of cost will be made in circuit court, including unpaid court costs and fees from district, municipal and circuit court.

16-119. Confession of judgment for court fees and fines by defendant in criminal cases.—If the defendant is convicted of a misdemeanor and confesses judgment for the fees and fine, the fees set forth in sections 16-120, 121 and 122 and applicable fine shall be collected by execution against the defendant.

16-120. Court fees for criminal cases in district court and circuit court.—

(a) The following docket fees shall be collected for juvenile and criminal cases in the district court and the circuit court:

(1) District court:

Non-moving traffic violations and alias writs arising therefrom	\$ 5.00
Traffic infraction	22.50
Misdemeanor	35.00
Felony Guilty Plea	77.00
Preliminary hearing	10.00

Bond Forfeiture	15.00
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(2) Circuit Court:

Non-moving traffic violations and alias writs arising therefrom	\$15.00
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Misdemeanor de novo	35.00
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Felony	77.00
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Bond Forfeiture	15.00
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(b) Witness fees shall be collected and distributed pursuant to law. Witness fees shall be in addition to docket fees.

(c) A fee of two dollars shall be collected for service and return of each witness subpoena. Witness subpoena fees shall be in addition to docket fees.

16-121. Exception to uniformity of docket fees in criminal cases.—Docket fees for criminal cases shall be uniform by court level and type of case, except in all conservation cases the docket fee shall be increased to include an arrest and bond fee of seven dollars.

16-122. Docket fees in municipal ordinance cases. —

(a) The following docket fees shall be collected for municipal ordinance cases in district court:

Non-moving traffic violations and alias writs arising therefrom	\$ 5.00
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Moving traffic violations	22.50
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Other ordinance violations	35.00
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Bond forfeiture	15.00
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(b) On appeals de novo to circuit court, the docket fees in municipal ordinance cases shall be the same as those collected for misdemeanor cases.

16-123. Distribution of docket fees, fines and forfeitures in municipal ordinance cases.—Docket fees, fines and forfeitures collected in municipal ordinance cases in district court and in circuit court shall be distributed as follows: 90 percent of the docket fee to the state general fund, 10 percent to the municipality; 90 percent of the fines and forfeitures to the municipality, and 10 percent to the state general fund. The municipal share of the docket fee is payable from that portion of the docket fee allocated to the county general fund, which allocation shall be reduced accordingly in all municipal ordinance cases.

16-124. Collection and remission of municipal court costs, fines and forfeitures.—Municipal courts may impose court costs pursuant to law. In cases of appeal de novo from a municipal court and conviction of the defendant in the circuit court, the clerk of the circuit court shall collect the municipal court costs, fines and forfeitures, in addition to the municipal share of the docket fee in circuit court.

16-125. Distribution of docket fees for traffic infractions in district court.

(a) The following distribution shall be made of docket fees for moving traffic violations in district court: one dollar to the police officers annuity fund; two dollars to the fair trial tax fund; one dollar to the driver education fund; eight dollars to the state general fund; three dollars to the county general fund; an arrest fee of five dollars to the state general fund or the state funds prescribed by law, except that the arrest fee shall be paid into the county general fund in cases initiated by county law enforcement officers; and, as otherwise provided by law two dollars and fifty cents to the district attorney fund or to the fund prescribed by law for district attorney fees.

(b) Docket fees for non-moving traffic violations shall be paid into the state general fund.

16-126. Distribution of docket fees for misdemeanor cases in district court.—The following distribution shall be made of docket fees for misdemeanor cases in district court: five dollars to the police officers annuity fund; two dollars to the fair trial tax fund; eight dollars to the state general fund; five dollars to the county general fund; an arrest fee of five dollars to the state general fund or to the state funds prescribed by law, except that the arrest fee shall be paid into the county general fund in cases initiated by county law enforcement officers; and ten dollars to the district attorney fund, or to the fund prescribed by law for district attorney fees.

16-127. Distribution of docket fees for felony guilty pleas in district court.—The following distribution shall be made of docket fees for felony guilty plea cases in district court: ten dollars to the police officers annuity fund; two dollars to the fair trial tax fund; twenty-five dollars to the state general fund; five dollars to the county general fund; an arrest fee of five dollars to the state general fund or the state funds prescribed by law, except that in cases initiated by county law enforcement officers, the arrest fee shall be distributed to the county general fund; and thirty dollars to the district attorney fund, or to the fund prescribed by law for district attorney fees.

16-128. Distribution of preliminary hearing fees.—The docket fee collected in circuit court for preliminary hearings in district court shall be remitted to the state general fund.

16-129. Distribution of docket fees for cases in which bond is forfeited.—The following distribution shall be made of docket fees in cases where the defendant forfeits bond in either the district court or circuit court: two dollars to the fair trial tax fund, eight dollars to the state general fund, and five dollars to the county general fund.

16-130. Distribution of docket fees for misdemeanor cases de novo in the circuit court.—The following distribution shall be made of docket fees for de novo appeals of misdemeanors in circuit court: two dollars to the fair trial tax fund, twenty-three dollars to the state general fund, and ten dollars to the county general fund.

16-131. Distribution of docket fees for felony cases in circuit court.—The following distribution shall be made of docket fees for felony cases in circuit court: ten dollars to the police officers annuity fund; two dollars to the fair trial tax fund; twenty-five dollars to the state general fund; five dollars to the county general fund; an arrest fee of five dollars to the state general fund, or the state funds prescribed by law except that in cases initiated by county law enforcement officers, the arrest fee shall be

distributed to the county general fund; and thirty dollars to the district attorney fund, or to the fund prescribed by law for district attorney fees.

16-132. Administrative director of courts responsible for the collection and distribution of court fees.—The administrative director of courts shall prescribe procedures for the collection and distribution of court fees.

16-133. Transition provisions.—

(a) In all cases filed in the district or circuit court on or after January 16, 1977, fines, costs and fees shall be assessed and distributed according to this article.

(b) In all cases filed prior to January 16, 1977, in the circuit court or courts to be abolished, all fines, costs and fees shall be assessed and distributed according to law in existence on date of filings, including monies collected on or after January 16, 1977.

(c) All costs, fees and other funds collected by courts to be abolished and in the possession of clerks of such courts on January 15, 1977, shall be transferred to the circuit clerk of each county pursuant to rules of the supreme court.

(d) The effective date of this article is January 16, 1977.

16-134. Express repealer.—

(a) The following sections of Title 11 of the Code of Alabama, 1940, are hereby expressly repealed: Section 1, entitled "No fee charged unless expressly authorized;" Section 10, entitled "Clerks, registers, and sheriffs keep fee books;" Section 11, entitled "No fee charged unless entered in fee book;" Section 13, entitled "Figures, initials, and abbreviations; how estimated in copying or recording;" Section 18, entitled "Authority to receive; how taxed and collected;" Section 19, entitled "Costs apportioned between clerk and sheriff;" Section 20, entitled "Fees on execution, when not allowed unless sale made;" Section 21, as amended, entitled "Fees allowed to clerks of circuit courts;" Section 22, entitled "Fees of clerk and register for collection of money;" Section 23, entitled "Fees of clerks for keeping minutes of court;" Section 24, as amended, entitled "Ex officio fees fixed and graded by assessed value of property;" Section 25, entitled "Amount of fees determined by department of finance from assessed value of property;" Section 26, entitled "How paid, allowed, and reduced by commissioners' courts;" Section 34, as amended, entitled "Fees allowed to sheriffs;" Section 38, entitled "Fees allowed justices of the peace;" Section 40, entitled "State officers not to appropriate fees;" Section 41, entitled "Fees for copies of state documents covered into state treasury;" Section 42, entitled "Register of fees kept in state departments;" Section 43, entitled "Article not applicable to secretary of senate and clerk of house;" Section 55, entitled "Report filed with county treasurer;" Section 59, entitled "Non-residents must give security for costs;" Section 60, entitled "Money may be deposited;" Section 61, entitled "When attorney liable for costs;" Section 62, entitled "If plaintiff removes, security required;" Section 63, entitled "Judgment against surety for costs;" Section 65, entitled "Costs given to successful party, or apportioned at discretion of court;" Section 67, entitled "Rule for recovery in torts, if verdict is for less than twenty dollars; exception;" Section 72, entitled "Defendant, as to whom plaintiff fails, recovers costs;" Section 73, entitled "On abatement by death of defendant, plaintiff pays costs;" Section 74, entitled "Costs of

transcript of other court taxed;" Section 75, entitled "Fees for certificates taxed in the bill;" Section 76, entitled "Costs on a plea 'since last continuance';" Section 79, entitled "No fee charged unless expressly authorized;" Section 81, as amended, entitled "Fees in misdemeanor cases where defendant pleads guilty;" Section 82, entitled "Heads of departments or officers converting fees or emoluments of office;" Section 83, entitled "Costs, how taxed and collected;" Section 85, entitled "Solicitors' fees;" Section 86, as amended, entitled, "Solicitors' fees; how taxed and collected;" Section 89, as amended, entitled "Fees of circuit court clerks;" Section 90, entitled "Clerks' fees in probation cases;" Section 91, entitled "Clerk to committing magistrate; fee;" Section 96, entitled "Justices' fees;" Section 97, entitled "How taxed and collected;" Section 100, as amended, entitled "Sheriff's fees and allowance; sheriff to file application for fees, when;" Section 101, entitled "Route to be traveled in returning prisoners;" Section 102, entitled "Fees and accounts; how proven;" and Section 112, entitled "Witnesses' fees before justices of the peace." and Section 392 of Title 15 of the Code of Alabama, 1940, entitled "Fines to go to county, and judgment accordingly."

(b) The following acts or sections of acts are hereby expressly repealed: Act No. 742, approved September 23, 1957 (Section 27 of Title 11 of the Recompiled Code); Act No. 58, approved June 1, 1945 (Section 84 of Title 11 of the Recompiled Code); Section 1 of Act No. 741, approved September 23, 1957 (Section 89[2] of Title 11 of the Recompiled Code); Sections 1 and 2 of Act No. 570, approved September 16, 1963 (Section 89[3] of Title 11 of the Recompiled Code); Act No. 311, approved July 28, 1949 (Section 100[1] of Title 11 of the Recompiled Code); Section 2 of Act No. 575, approved July 7, 1943 (Section 100[2] of Title 11 of the Recompiled Code); Act No. 573, approved July 7, 1943 (Section 100[3] of Title 11 of the Recompiled Code); Act No. 413, approved July 7, 1945 (Section 100[4] of Title 11 of the Recompiled Code); Act No. 483, approved July 7, 1945 (Section 100[5] of Title 11 of the Recompiled Code); and Act No. 177, approved July 21, 1947 (Sections 100[6], [7], [8], and [9] of Title 11 of the Recompiled Code).

16-135. Effective date of amendments to Title 11 of the Code of Alabama, 1940.—Upon the effective date of this article, January 16, 1977, all amendments to Title 11 of the Code of Alabama, 1940, contained in this article shall be effective.

16-136. Section 2 of Title 11 of the Code of Alabama, 1940, entitled "Fee bills posted," is amended to read as follows:

"§2. Fee bills posted.—Judges of probate must keep posted, in a conspicuous place in their respective offices, a complete list of all the fees allowed by law to them and must furnish a copy thereof on application."

16-137. Section 3 of Title 11 of the Code of Alabama, 1940, entitled "Penalty for failure to post," is amended to read as follows:

"§3. Penalty for failure to post.—The judge of probate who fails to comply with the provisions of the preceding section, is not authorized to collect or receive any fee for services rendered during such failure."

16-138. Section 4 of Title 11 of the Code of Alabama, 1940, entitled "When fees due," is amended to read as follows:

"§4. When fees due.—Except as otherwise provided by local act or general act with local application fees allowed by law for services in

connection with proceedings before judges of probate are due only at the termination of the suit, except that fees for transcripts of papers filed in the cause, other than copies of bills, to which parties are entitled as of course, are due when service is performed; and no fee, except for final record, shall be demanded or received in any case unless the service has been performed."

16-139. Section 6 of Title 11 of the Code of Alabama, 1940, entitled "No commission on costs," is amended to read as follows:

"§6. No commission on costs.—No coroner or constable, shall collect or reserve commissions on costs taxed in an execution put in his hands. The commissions allowed by law shall be collected or received only on the principal, damages, and interest of the execution."

16-140. Section 7 of Title 11 of the Code of Alabama, 1940, entitled "When execution against plaintiff for his own costs; penalty for failure to collect, etc.," is amended to read as follows:

"§7. When execution against plaintiff for his own costs; penalty for failure to collect, etc.—The clerk of the supreme court, courts of appeals, clerks of the circuit court, and judges of probate, upon return of an execution "no property" against the defendant by the proper officer of the county in which the judgment was rendered, or, if the execution be from the supreme court, a court of appeals, of the county from which the case was brought, may issue execution against the plaintiff, or appellant but for non other, to be collected and returned as other executions, judgment may be rendered on motion in the circuit court of such county, in the name of the clerk or judge of probate issuing the execution against the sheriff or his sureties, or either of them, upon three days' notice for dereliction of duty on the part of the sheriff for failing to return, levy or collect such execution so issued against the plaintiff or against the plaintiff and his sureties for such costs, as follows: twenty percent upon the amount of the execution for failing to return same; for failing to collect the amount of such execution when the same could have been collected by said sheriff by the use of reasonable diligence, the full amount of such execution and ten percent on the amount thereof as damages; and for failure to pay over the amount collected thereon, the full amount of the sum so collected and not paid over, and five percent per month damage for each month after demand."

16-141. Section 2 of Act No. 625, approved September 4, 1951 (Section 16 of Title 11 of the Recompiled Code), is amended to read as follows:

"Section 2. Section 16 of Title 11 of the Code of Alabama (1940) is amended to read as follows: Under the provisions of this Code to pass upon the soundness of mind of a person, with a view to the appointment of a guardian, are each entitled to receive five dollars per day of attendance, to be paid on the certificate of the judge of probate, in the same manner as regular jurors are paid."

16-142. Section 35 of Title 11 of the Code of Alabama, 1940, entitled "Sheriff's fees when due," is amended to read as follows:

"§35. Coroner's fees, when due.—Coroners are not entitled to full commissions until after actual levy of execution on property of the defendant, and the money made or paid to the plaintiff in execution and then only on the amount actually collected or paid."

16-143. Section 36 of Title 11 of the Code of Alabama, 1940, entitled "When entitled to half commissions," is amended to read as follows:

"§36. When entitled to half commissions.—When the coroner has levied execution, and before sale it is stayed by order of the plaintiff, the coroner so levying must receive only half commissions."

16-144. Section 37 of Title 11 of the Code of Alabama, 1940, entitled "Fees allowed coroner," is amended to read as follows:

"§37. Fees allowed coroner.—The coroner is entitled to receive, for services rendered by him in civil cases, the same fees as were allowed to sheriffs for like services on December 18, 1973.

16-145. Section 39 of Title 11 of the Code of Alabama, 1940, entitled "Fees allowed to constables," is amended to read as follows:

§39. Fees allowed to constables.—Constables are entitled to the following fees for the following services in controversies in which the amount is less than twenty dollars:

Serving summons. . . . .	\$ .50
Summoning each witness . . . . .	.25
Leving an attachment, for not exceeding fifty dollars. . . . .	.75
Levying an attachment, for more than fifty dollars . . . . .	1.00
Levying an execution for not exceeding fifty dollars. . . . .	.50
Levying an execution for more than fifty dollars. . . . .	1.00
Making money on execution, two percent on the amount collected, but in no case less than . . . . .	.50
Serving notice on each party therein named . . . . .	.25
Serving scire facias, or notice in the nature thereof. . . . .	.50
Taking any bond required by law . . . . .	.50
Keeping property levied on, such sum as a judge may order to be paid out of the money in the hands of the constable arising from the sale.	
In cases of forcible entry and detainer, and unlawful detainer, for serving summons and writ . . . . .	1.00
For executing writ of restitution in such cases . . . . .	2.00
For other services in such cases the same fees as in other cases.	
In civil cases, the fees of constables shall be the same as the sheriff's fees on December 18, 1973 when performing the same or like services, where the amount in controversy is twenty dollars or more."	

16-146. Section 56 of Title 11 of the Code of Alabama, 1940, entitled "Claims to be presented within three years," is amended to read as follows:

"§56. Claims to be presented within three months.—All persons entitled to such witness fees shall present their claim for payment to the court clerk within three months from the date of its collection by the clerk, by presenting the witness certificate or by filing an affidavit showing its loss, and his right and title to the payment, and said court clerk upon such presentation shall pay out of state funds to the person presenting said claim the amount shown to be due him.

All claims for witness fees shall be forever barred after three months from the time such fees are collected and subject to disbursement.

16-147. Section 57 of Title 11 of the Code of Alabama, 1940, entitled "Witness fees paid over to successor by clerk," is amended to read as follows:

"§57. Witness fees paid over to successor by clerk.—All court clerks in this state upon the expiration of their several terms of office, shall pay over to their several successors in office, all witness fees in their hands and which have been collected by them and which have not been paid into the state treasury and shall furnish such successor a full and complete statement showing the names of all witnesses for whom said fees were collected, the date of the collection, the amount due each of the witnesses, the court, the style of the cause, and the date of the final termination of the same, in which such fees were collected. After such payment to their several successors in office, or to the state treasurer they shall be discharged from further liability in regard to all fees so paid over, either to their successors, or to the state treasurer."

16-148. Section 64 of Title 11 of the Code of Alabama, 1940, entitled "Security for costs in court of probate or before justice," is amended to read as follows:

"§64. Security for costs in court of probate.—The judge of probate must take and approve security for costs in all suits within the jurisdiction of his court commenced by or for the use of a non-resident of this state."

16-149. That portion of Section 2 of Act No. 2421, approved October 1, 1971 (Section 83[4] of Title 11 of the Recompiled Code) which is entitled and reads as follows is amended:

"Section 4. There is hereby appropriated from such fund, annually, such amount as may be necessary to pay the fees of counsel, court reporters, clerks, registers and such other necessary expenses of indigent defense as are provided by law. If the county maintains a public defender, there shall be paid a reasonable share of the cost of maintaining such office, the amount appropriated for such purpose to be prorated to the several counties maintaining public defender's offices on the basis of the case load of the respective public defender offices."

16-150. Section 92 of Title 11 of the Code of Alabama, 1940, entitled "Constables' fees," is amended to read as follows:

"§92. Constables' fees.—Constables are entitled to the following fees in criminal cases—that is to say:

For executing a search warrant by day. . . . .	\$1.00
For executing a search warrant by night . . . . .	2.00
For executing any other warrant or writ of arrest . . . . .	1.50



For serving each subpoena or notice issued by a court of the unified judicial system. . . . . .50

For carrying a person before a magistrate under a warrant of arrest, or to jail when committed thereto, for himself and each necessary guard, to be proved by his own oath, for each mile. . . . . .10

For carrying a prisoner to the jail of another county, when there is no sufficient jail in the proper county, the same fees that were allowed to the sheriff for similar services, on December 18, 1973, to be paid in the same manner.

For taking and approving each bond of undertaking. . . . .50"

16-151. Section 93 of Title 11 of the Code of Alabama, 1940, entitled "How taxed and collected," is amended to read as follows:

"§93. How taxed and collected.—In all criminal prosecutions, the fees specified in the preceding section, for the services rendered in the case, shall be payable from the county treasury upon a sworn statement certified by the circuit clerk and shall not affect the collection and distribution of uniform fees."

16-152. Section 94 of Title 11 of the Code of Alabama, 1940, as amended, entitled "Coroners' fees;" is amended to read as follows:

"§94. Coroners' fees.—The coroner is entitled to the following fees:

For going to and returning from the place where he holds an inquest, six cents per each mile traveled.

For holding an inquest, when ordered by a judge of a court of record or by the district attorney . . . . . \$7.50

For summoning jury on inquest . . . . . 1.00

For each subpoena . . . . . .25

For each warrant of arrest. . . . . .50

For each bond or undertaking returned to court . . . . . .50

For investigation and certification of the cause of death when no jury is summoned or post mortem examination made by a physician or surgeon as provided in section 95 of this title, six cents for each mile traveled in going and returning, and seven dollars fifty cents to be paid from the county treasury.

In no event shall the coroner be entitled in any one year to fees exceeding in the aggregate twelve hundred dollars.

For all services performed by the coroner when discharging the duty of the sheriff in cases authorized by law, he shall be entitled to the same fees that were allowed the sheriff for similar services on December 18, 1973."

16-153. Section 95 of Title 11 of the Code of Alabama, 1940, as amended, entitled "Fees for inquest; how taxed and paid; post mortem examination and fees therefor; other fees," is amended to read as follows:

"§95. Fees for inquest; how taxed and paid; post mortem examination and fees therefor; other fees.—Fees for holding inquest shall be paid out of the county treasury, when the inquest has been held under the order of a judge of a court of record or district attorney and such fees must be also certified by the coroner to the clerk of the circuit court of the county, and must be taxed as costs against any person who is convicted for killing the person on whose body the inquest was held, and be collected like other costs in criminal cases; and, when collected in cases in which the county has paid the same, shall be paid to the county treasurer for the use of the county; and in other cases to the coroner. No fees shall be paid for an inquest when it is publicly known before the jury is summoned who caused the death of the deceased, or when the slayer has been arrested for the homicide; but in such case, if the immediate cause of the death is uncertain, a physician or surgeon may be summoned to make a post mortem examination, who shall give his opinion in writing as to the cause of the death, which must be returned by the coroner as inquests are returned by him, and such coroner, physician, or surgeon shall be entitled to the same fee and mileage, to be paid in the same manner as for attending an inquest, such fees as accrued to coroners for services rendered by him in discharging duties of sheriff, must be paid in the same manner that sheriff's fees for like services were paid, on December 18, 1973."

16-154. Section 98 of Title 11 of the Code of Alabama, 1940, as amended, entitled "Regular jurors' fees; proved by oath of juror; certificate of clerk;" is amended to read as follows:

"§98. Regular jurors' fees; proved by oath of juror; certificate of clerk.—Regular jurors, grand and petit, are entitled to ten dollars for each day's services, five cents for each mile traveled in going to and returning from court, and ferriage and toll, to be proved by the oath of the juror before the clerk of the court. The clerk shall give each juror a certificate, stating therein the number of days he has served, the number of miles he has traveled, the amount of ferriage and toll he has paid, and the amount of compensation to which he is entitled. The certificate shall be payable out of the state treasury. All local acts and all general acts of local application inconsistent with this section are repealed."

16-155. Section 104 of Title 11 of the Code of Alabama, 1940, entitled "How taxed and paid," is amended to read as follows:

"§104. How taxed and paid.—The fees of witnesses subpoenaed on the part of the state to appear before the grand jury, or before any court in which a criminal prosecution is pending, must be taxed against the defendant, if he is convicted, or against the prosecutor when the costs are imposed on him; but if the defendant is not convicted, and the costs are not imposed on the prosecutor, or if the indictment is withdrawn and filed, or the prosecution abated by the death of the defendant, or if the costs are imposed on either the defendant or the prosecutor, and an execution against him for the same is returned 'no property found,' or if no indictment is found by the grand jury before whom the witnesses appear, or if a nolle prosequi is entered in the case, such fees must be paid by the state in the manner specified in section 16-161 of this article.

16-156. Section 105 of Title 11 of the Code of Alabama, 1940, entitled "Witness fees before grand jury claim against fine and forfeiture fund," is amended to read as follows:

"§105. Witness fees before grand jury claim against state.—In all cases where there have been indictments found by the grand juries, and the

defendant against whom said indictment has been returned is not arrested within three years from the date of the indictment, the fees due state's witnesses for their attendance and mileage before said grand juries shall become charges against the state."

16-157. Section 106 of Title 11 of the Code of Alabama, 1940, entitled "Clerk certifies claim and notes it on grand jury docket," is amended to read as follows:

"§106. Clerk certifies claim and notes it on grand jury docket.—The clerk of the court, when he certifies fees as claims as charges against the state, shall note said fact on the grand jury docket, and said fees, should they subsequently be collected, shall be paid to the state."

16-158. Section 107 of Title 11 of the Code of Alabama, 1940, entitled "Claim certified by clerk and registered by treasurer," is amended to read as follows:

"§107. Claim certified by clerk and registered by treasurer.—The clerk of the court shall certify the facts necessary to make said claims charges against the state under the provisions of this article, on the original certificates issued by the foreman of the grand jury, and said certificates so certified shall be registered as a claim against the state."

16-159. Section 108 of Title 11 of the Code of Alabama, 1940, entitled "Foreman issues certificates; claims against fine and forfeiture fund," is amended to read as follows:

"§108. Foreman issues certificates; claims against the state for unpaid witness fees.—The foreman of the grand jury shall issue certificates of attendance to all witnesses examined before the grand jury and such certificates may, as provided in the preceding section, become claims against the state in the same manner as witness certificates issued to state witnesses by the clerk of the court."

16-160. Section 110 of Title 11 of the Code of Alabama, 1940, entitled "Witness' certificate; how payable; clerk not entitled to fee for issuing," is amended to read as follows:

"§110. Witness' certificate; how payable; clerk not entitled to fee for issuing.—It is the duty of the clerk of the court to issue a certificate to each witness appearing on the part of the state, stating therein the amount of compensation to which he is entitled, the facts which, under the provisions of section 16-156 of this article make it a good claim against the state.

16-161. Section 113 of Title 11 of the Code of Alabama, 1940, entitled "Witness claims when transferred to United States courts," is amended to read as follows:

"§113. Witness claims when transferred to United States courts.—In all criminal cases removed from the courts of this state into the United States court, all witnesses who attend said United States court are entitled to one dollar and a half a day and five cents per mile traveled in attending the United States court, to be paid out of the state treasury."

#### Article 17. APPROPRIATIONS.

17-101. Appropriations.—In addition to all other appropriations heretofore or hereafter made for the judicial system of Alabama, there is

hereby appropriated for fiscal year 1975-76, out of the state general fund, the following: \$1,500.00 to the judicial compensation commission, \$6,850.00 to the court of the judiciary and \$35,000.00 to the office of the administrative director of courts, and \$414,600.00 to carry out the other provisions of this Act.

**Article 18. SEVERABILITY; REPEALER; AND EFFECTIVE DATE.**

18-101. Severability.—The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the parts which remain.

18-102. Repealer; provisions cumulative.—All laws or parts of laws which conflict with this Act are repealed. The provisions of this Act are cumulative and shall not be construed to repeal or supercede any laws not inconsistent herewith.

18-103. Effective date.—This Act shall become effective immediately upon its passage and approval by the governor, except to the extent otherwise provided herein, or upon its otherwise becoming a law provided, that notwithstanding any express effective date in this section or in any article in this Act, the following effective dates and conditions relating thereto shall control:

(a) Sections 3-101 through 3-110, relating to retirement benefits for probate judges, shall have an effective date commencing October 1, 1976. No contributions shall be paid, no elections shall be made and no benefits shall accrue under sections 3-101 through 3-110 until October 1, 1976;

(b) Section 6-108 allowing an officer, official or employee of any appellate court in Alabama at the time this Act becomes law, not qualified under the employees' retirement system of Alabama, to qualify for such shall have an effective date commencing October 1, 1976;

(c) Sections 6-113 through 6-116, relating to supernumerary justices and judges and their spouses, shall have an effective date commencing October 1, 1976. No contributions shall be paid, no elections shall be made and no benefits shall accrue under sections 6-113 through 6-116 until October 1, 1976; and

(d) Sections 7-112 through 7-118, relating to supernumerary status for circuit clerks and circuit registers, shall have an effective date commencing October 1, 1976. No contributions shall be paid, no elections shall be made and no benefits shall accrue under sections 7-112 through 7-118 until October 1, 1976.

The Standing Committee on Finance and Taxation reported the following amendment to the substitute for the Bill, S. B. 400, to-wit:

**COMMITTEE AMENDMENT TO SUBSTITUTE  
FOR S. B. 400**

Amend Finance and Taxation Committee Substitute S. B. 400 in Section 17-101, page 197, line 20, by deleting the period and inserting in lieu thereof a comma and the words "and \$9,600.00 for salaries to supernumerary court reporters."

Which was adopted.

The Standing Committee on Finance and Taxation then reported the following amendment to the substitute, as amended, for the Bill, S. B. 400, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED,  
FOR S. B. 400

Amend Senate Bill 400 as substituted by deleting Section 4-109 in its entirety and providing that Section 4-109 read as follows:

“4-109 Trials. All cases in the district court shall be tried by the judges, who shall determine all issues of law and fact without a jury.”

Which was adopted.

The Standing Committee on Finance and Taxation then reported the following amendment to the substitute, as amended, for the Bill, S. B. 400, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED,  
FOR S. B. 400

Amend substitute for Senate Bill 400 in Section 4-113 (6) (3) on page 32 by deleting the word and figure “four (4)” and insert in lieu thereof the following: “two (2)”.

Which was adopted.

The Standing Committee on Finance and Taxation then reported the following amendment to the substitute, as amended, for the Bill, S. B. 400, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED,  
FOR S. B. 400

Amend substitute for S. B. 400 by amending Section 4-111 (6) (5), page 32 lines 13 through 16 by deleting the comma following “Lowndes” on line 13 and inserting the word “and” and deleting the words “and Crenshaw” and further deleting the words and figures “two (2)” on line 14 and inserting in lieu thereof the words and figures “one (1)” and further amending line 15 by deleting the letter “s” on the word “judges” and further delete on line 15 the word “both”.

Which was adopted.

The Standing Committee on Finance and Taxation then reported the following amendment to the substitute, as amended, for the Bill, S. B. 400, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED,  
FOR S. B. 400

Amend Finance and Taxation Committee substitute, as amended, for Senate Bill 400 by deleting Section 4-111 (a) lines 13 through 24 on page 30.

Which was adopted.

Mr. Fine offered the following amendment to the substitute, as amended, for the Bill, S. B. 400, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED,  
FOR S. B. 400

Amend Finance and Taxation Committee Substitute S. B. 400 by inserting a new section as follows:

4-106 (g) (4) In the event that there exists within the state of Alabama a judge of a court inferior to the circuit court in any county, municipal judges excluded, who is not qualified under the provisions of Amendment 328 to the Constitution of Alabama to continue to be a judge and whose judgeship is abolished by said Amendment 328 prior to the expiration of his term, then said judge may elect to automatically become a magistrate under this Act for the duration of his unexpired term as a judge, provided such election is made in writing prior to January 1, 1977, and filed with the Secretary of State. The salary of such magistrate, to be paid by the state, shall be equal to the salary such judge earned as such inferior court judge on September 1, 1975.

Which was adopted.

Mr. Torbert offered the following amendment to the substitute, as amended, for the Bill, S. B. 400, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED,  
FOR S. B. 400

Amend Substitute for S. B. 400 in Section 4-113, page 32, line 4, by deleting the word and number "two (2)" and inserting in lieu thereof the word and number "three (3)."

Which was adopted.

Mr. Stewart offered the following amendment to the substitute, as amended, for the Bill, S. B. 400, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED,  
FOR S. B. 400

Amend substitute for S. B. 400 in Section 4-131 (b), page 41, line 31, by deleting the period and inserting on page 42, at the end of line 5 the words "and those who will have served four full terms as an elected county solicitor at the end of such term may elect to become a supernumerary district attorney by filing a written declaration to that effect with the governor."

On motion of Mr. Baker, said amendment was laid on the table.

Yeas 18; Nays 11.

*Yeas:*

Messrs. Adams, Baker, Edwards, Ellis, Flippo, Foshee, Gilmore, King, Little, McDonald (S), Mitchell, Owen, Perloff, St. John, Shelby, Vacca, Waldrop, Wilson.

— 18

*Nays:*

Messrs. Bank, Fine, Givhan, Jones, Littleton, McDonald (A), McMillan, Noonan, Powell, Stewart, Torbert.

— 11

Mr. Torbert offered the following amendment to the substitute, as amended, for the Bill, S. B. 400, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED,  
FOR S. B. 400

Amend Senate Finance and Taxation Committee Substitute for S. B. 400 on page 29 at the end of line 34 by adding a new sentence to read as follows:

“While the district court is sitting as a municipal court it shall take judicial notice of the ordinances of the municipality for which it sits.”

Which was adopted.

Mr. Torbert then offered the following amendment to the substitute, as amended, for the Bill, S. B. 400, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED,  
FOR S. B. 400

Amend Senate Finance and Taxation Committee substitute for S. B. 400 on page 135, line 37, by deleting the phrase:

and substitute in lieu thereof the following phrase:

“continue the case from time to time to permit the fine and costs to be paid,”

Which was adopted.

Mr. Torbert then offered the following amendment to the substitute, as amended, for the Bill, S. B. 400, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED,  
FOR S. B. 400

Amend Senate Finance and Taxation Committee substitute for Senate Bill 400 on page 138, by adding a new subsection (h) after subsection (g), on line 28, to read as follows:

“(h) The mayor may remit fines and such costs as are payable to the municipality and commute sentences imposed by municipal judges or judges of the court to which an appeal was taken for violations of municipal ordinances, and may grant pardons, after conviction, for violation of such ordinances, and he shall report his action to the council or other governing body at the first regular meeting thereof in the succeeding month with his reasons therefor in writing.”

Which was adopted.

Mr. Torbert then offered the following amendment to the substitute, as amended, for the Bill, S. B. 400, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED,  
FOR S. B. 400

Amend Substitute S. B. 400 in Section 16-120 (a) (2), page 177, line 33, by deleting the words “de novo.”

Which was adopted.

Mr. Torbert then offered the following amendment to the substitute, as amended, for the Bill, S. B. 400, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED,  
FOR S. B. 400

Amend Substitute S. B. 400 in Section 16-130, page 180, line 19, by deleting the words "de novo"

and

further amend that section, on the same page, in line 20, by deleting the words "de novo."

Which was adopted.

Mr. Perloff offered the following amendment to the substitute, as amended, for the Bill, S. B. 400, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED,  
FOR S. B. 400

Amend 16-111 page 173 to read as follows:

"16-111 amount of docket fees to be collected in civil cases. The docket fees which shall be collected in civil cases are:

(a) five dollars for cases filed on the small claims docket of the district court.

(b) ten dollars for cases otherwise filed in the district court, and

(c) fifteen dollars for cases filed in the circuit court, and

(d) deleting in its entirety."

On motion of Mr. Flippo, said amendment was laid on the table.

Yeas 19; Nays 4.

*Yeas:*

Messrs. Baker, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (A), McMillan, Noonan, Owen, Powell, Stewart, Torbert, Waldrop.

—19

*Nays:*

Messrs. Adams, Mitchell, Perloff, Wilson.

—4

Mr. Wilson offered the following amendment to the substitute, as amended, for the Bill, S. B. 400, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED,  
FOR S. B. 400

Amend Substitute S. B. 400 by adding the following Section 6-118 starting on page 115:



"In those districts having more than one district court judge the presiding circuit court judge may designate from time to time a district court judge who shall have the same powers and authority as a circuit judge to handle all cases involving domestic relations, divorce, annulments of marriage, custody and support of children, granting and enforcement of alimony, proceedings under the Reciprocal Non-support Act and all other domestic and marital matters over which the circuit court has jurisdiction as well as all law pertaining to juvenile and non-support cases arising in the county under Title 34 of the 1940 Code of Alabama and shall serve as an ex-officio circuit judge when handling such cases, regardless of any provisions contained in this Act or any other laws to the contrary."

Which was adopted.

Mr. Edwards offered the following amendment to the substitute, as amended, for the Bill, S. B. 400, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED,  
FOR S. B. 400

Amend Senate Bill No. 400 as substituted by replacing the word "ten" with the word "six" on page 16 line 29, page 17 lines 26 and 32 and by replacing the word "five" with the word "four" on page 17 line 36.

On motion of Mr. Torbert, said amendment was laid on the table.

Mr. Fine offered the following amendment to the substitute, as amended, for the Bill, S. B. 400, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED,  
FOR S. B. 400

Amend Senate Bill 400 as follows:

On page 6, under Article 1. 1-101 Section 1. Judicial power. Add the following on line 26.

"Provided, however, that no monies provided for under the provisions of this Act shall be expended unless duly appropriated by the Legislature of the State of Alabama."

Which was adopted.

Mr. Baker offered the following amendment to the substitute, as amended, for the Bill, S. B. 400, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED,  
FOR S. B. 400

Amend Finance and Taxation Committee Substitute for S. B. 400 as follows:

Beginning on page 14, line 28, through page 19, line 18, delete "Article 3. Probate Court" in its entirety and insert in lieu thereof the following:

Article 3. Probate Court.

3-101. DEFINITIONS.—The following words and phrases as used in this article unless a meaning is plainly required by the context shall have the following meanings:

(1) "Member" shall mean any probate judge as herein defined who has elected to come under the provisions of this article or who is subject to the provisions of this article as a matter of law;

(2) "Annual Compensation" shall mean the total salary paid a member by the governmental body or bodies for which service as a probate judge was rendered. If on fees \$20,000 shall be used for all computations under this article.

(3) "Fund" shall mean the Alabama Probate Judge Retirement Fund.

(4) "Creditable Service" shall mean all service for which credit is given under the provisions of this article.

(5) "Prior Service" shall mean all service rendered as a probate judge prior to the effective date of this Act.

(6) "Secretary-Treasurer" shall mean the Secretary-Treasurer of the Employees' Retirement System.

(7) "Board of Control" shall mean the Board of Control of the Employees' Retirement System.

(8) "Service" shall mean service rendered as a probate judge.

(9) "Accumulated Contributions" shall mean the sum of the contributions credited to a member's account plus the earned interest thereon.

(10) "Non-Member" shall mean any service from the effective date hereof to the date a probate judge, holding office on the effective date hereof, becomes a member.

(11) "He" shall mean and refer to both the masculine and feminine genders.

3-102. NAME.—There is hereby created and established a continuing fund to be known as the Alabama Probate Judges' Retirement Fund.

3-103. ADMINISTRATION.—The Alabama Probate Judges' Retirement Fund shall be administered by the Secretary-Treasurer of the Employees' Retirement System of Alabama under the supervision of the Board of Control of said Employees' Retirement System; and said Board of Control shall be the trustee of such fund and shall handle such fund in the same manner and pursuant to the same rules and regulations that it handles funds in the Employees' Retirement System. The Secretary-Treasurer may engage such actuarial and administrative officers, and other special services as shall be deemed necessary to transact the business of the Fund. The compensation and expenses of these actuarial and administrative officers and other special services shall be paid out of the regular expense budget. All other employees not in these categories of employment shall be employed under the provisions of the Merit System Act. The State Comptroller shall issue warrants for the disbursement of such fund in the same manner that he issues warrants for the disbursement of funds of the State Employees' Retirement System.

3-104. MEMBERSHIP. (1) Every probate judge holding office on the effective date of this Act shall have the right of election to come under the provisions of this article, provided that such member must exercise

said right of election not later than one (1) year next following the effective date hereof, or be deemed to have forever waived his right of election under this article. No election, however, shall be effective unless it is submitted in writing, duly acknowledged, and filed with the Secretary-Treasurer of the Employees' Retirement System.

(2) Any person who after the effective date of this Act becomes a probate judge shall become a member of the fund and subject to the provisions of this article as a matter of law.

(3) Every person who becomes a member shall nominate a person to receive benefits, payable upon the member's death, pursuant to the provisions of this article, by filing a written designation duly acknowledged with the Secretary-Treasurer of the Employees' Retirement System.

(4) Any probate judge holding office on the date this Act becomes effective who is contributing to an existing supernumerary program may, upon election to become a member of the Probate Judges' Retirement Fund, withdraw from the supernumerary system receiving a return of his accumulated contributions.

**3-105. CREDITABLE SERVICE.**—(1) Under such rules and regulations as the Board of Control shall adopt, any probate judge, who is holding office as of the effective date of this Act, shall be eligible to receive credit for any service as probate judge rendered by him prior to the effective date hereof, providing that such person elects to come under the provisions of this Act pursuant to subsection (1) of Section 3-104 hereof, and, provided further that such member prior to a date one (1) year next following the effective date of this Act pays into the fund an amount equal to five per centum (5%) of his annual compensation, as defined in subsection (3) of Section 3-101 of this article, for each year of prior service he desires credit.

(2) A member shall receive credit for all service rendered by him from the date he became a member.

(3) Any probate judge who was holding office on the effective date of this act may receive credit for service as a non-member provided he pays into the fund, prior to a date one (1) year next following the effective date of this Act, an amount equal to the contributions he would have made for such period of service had he been a member on the date this Act became effective.

**3-106. CONTRIBUTIONS.**—(1) Every member of the Probate Judges' Retirement Fund shall contribute to the fund a yearly amount equal to five per centum (5%) of his annual compensation. The county fiscal officer shall deduct said contribution in a pro-rata manner from each regular warrant or check for salary paid to a member and he shall pay such deducted amounts into the Probate Judges' Retirement Fund where said contributions shall be credited to the individual account of the member from whose salary it was deducted.

(2) Each member's accumulated contributions shall accrue interest at the same rate and under the same rules and regulations as provided for the accrual of interest on accumulated contributions under the Employees' Retirement System, except as provided otherwise under the provisions of this article.

(3) Should any member cease to be a probate judge except by death or retirement under the provisions of this article, the contributions standing to the credit of his individual account shall be paid to him within forty-five (45) days and in addition to such payment there shall be paid five-tenths (5/10) of the interest accumulations standing to the credit of his individual account if he shall not have less than three (3) years of membership service from the date he became a member, but if he has less than three (3) years of membership service then no interest shall be paid.

3-107. BENEFITS.—(1) Any member, who is not less than sixty (60) years of age, and, who has not less than ten (10) years of creditable service, and, who is no longer serving as a probate judge, or employed by a public employer, may retire on service upon written application to the Board of Control of the Employees' Retirement System setting forth the first day of which month, not less than thirty (30) days nor more than ninety (90) days subsequent to the execution and filing thereof, he desires to be retired.

(2) Upon application of a member in service who has had five (5) or more years of creditable service, who becomes disabled according to Social Security guidelines may be retired on a disability by the Board of Control not less than thirty (30) nor more than ninety (90) days next following the date of filing of such application, provided that the Medical Board of the Employees' Retirement System, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated for the further performance of duty, that such incapacity is likely to be permanent and that such member should be retired.

(3) Upon retirement, a member shall receive an annual retirement allowance for life equal to three and sixty-one one-hundredths (361%) per centum of the member's final annual compensation multiplied by the number of years of his creditable service not to exceed eighteen (18) years. Such annual retirement allowance shall be payable in monthly installments.

(4) With the provisions that no option shall be effective until the effective date of retirement, any member may elect prior to retirement to receive, in lieu of his retirement allowance payable throughout life, the actuarial equivalent, at that time, of his retirement allowance in a reduced retirement allowance payable throughout life with the provisions that:

Option 1. If he dies before he has received in annuity payments the present value of his annuity as it was at the time of his retirement, the balance shall be paid to his legal representatives or to such person as he shall have nominated by written designation duly acknowledged and filed with the Secretary-Treasurer; or

Option 2. Upon his death, his reduced retirement allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the Secretary-Treasurer at the time of his retirement; or

Option 3. Upon his death, one-half of his reduced allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the Secretary-Treasurer at the time of his retirement; or

Option 4. Some other benefit or benefits shall be paid either to the member or to such person or persons as he shall nominate, provided such

other benefits, together with the reduced retirement allowance, shall be certified by the actuary to be of equivalent actuarial value to his retirement allowance, and shall be approved by the Board of Control.

(5) Upon the death of a member not eligible for retirement under this article, a lump sum allowance, consisting of the member's accumulated contributions, an amount equal to his accumulated contributions not to exceed \$5,000.00, and, if the member had not less than three years of member service, five-tenths of the accrued interest on his contributions shall be paid to such person as he shall have nominated by written designation duly acknowledged and filed with the Secretary-Treasurer.

3-108. COUNTY EMPLOYER COST FUNDING.—The county employer of each member shall pay into the Probate Judges' Retirement Fund on account of each member employed by such employer, an amount sufficient to fund the benefits herein provided. Such amount shall be computed and paid on an actuarial basis determined by the actuary employed by the Employees' Retirement System Board of Control to be consistent with the employer funding practices utilized under the Employees' Retirement System. In cases where such county employer pays only part of the member's compensation, such employer's cost liability will be based on the portion of the member's compensation paid by such employer.

3-109. Anything in this article to the contrary notwithstanding, probate judges who are members of any retirement, pension, benefit or supernumerary fund wholly or partly supported by public funds shall not be entitled to become members of this retirement system.

3-110. REPEALER.—All laws and or parts of laws which provide for the attainment and or appointment to supernumerary status of, and, all laws and or parts of laws which provide for the payment of compensation and expenses to any probate judge herein defined and subject to the provisions of this article are hereby expressly repealed; provided, however, that the rights and benefits of any probate judge as defined herein who has prior to the effective date of this Act elected to assume supernumerary status under any law or part of law hereby repealed shall not be affected in any way.

3-111. COUNTY GOVERNING BODY AUTHORITY.—The county governing body is hereby authorized to pay from the funds from which salaries are paid, the amounts necessary to carry out the provisions of this article.

On motion of Mr. Bank, said amendment was laid on the table.

Yeas 21; Nays 7.

*Yeas:*

Messrs. Adams, Bank, Ellis, Fine, Foshee, Gilmore, Givhan, Jones, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Perry, Powell, St. John, Shelby, Torbert, Vacca.

—21

*Nays:*

Messrs. Baker, Edwards, Flippo, King, Little, Stewart, Waldrop.

—7

Mr. Noonan offered the following amendment to the substitute, as amended, for the Bill, S. B. 400, to-wit:

AMENDMENT TO THE SUBSTITUTE, AS AMENDED,  
FOR S. B. 400

In Section 5-101, on page 48 strike out in its entirety subsection (c), which begins on line 9 and ends on line 16 and insert in lieu thereof the following:

(c) Child means an individual under the age of 16, or an individual under 19 years of age and who committed the act of delinquency with which he is charged before reaching the age of 18 years.

Also in subsection (d) of said Section 5-101, on page 48, line 17 strike out the words, "a child" and insert in lieu thereof the following: an individual under 18 years of age

Also in subsection (j) of said Section 5-101, on page 49, at the end of line 11, strike out the word "child" and insert in lieu thereof the following: an individual under 18 years of age

Also in Section 5-112, insert on page 60 between lines 5 and 6 at the end of the Section and as a part thereof the following:

(c) If it shall be ascertained during the pendency of a criminal or quasi-criminal charge that a defendant is an individual between the ages of 16 and 18, that court, which shall have the duty to ascertain such age, shall transfer the case, together with all the papers, documents, and transcript of any testimony connected therewith to the Juvenile Court to be dealt with in accord with section 5-112(a) hereof, unless after considering the following and other relevant factors the court deems it in the interest of justice and of the public welfare to retain jurisdiction:

- 1) the nature of the present alleged offense;
- 2) the extent and nature of the child's prior delinquency record;
- 3) the nature of past treatment efforts and the nature of the child's response to such efforts;
- 4) demeanor;
- 5) the extent and nature of the child's physical and mental maturity;
- 6) the interests of the community and of the child requiring that the child be placed under legal restraint or discipline.

Also in Section 5-152, page 102 strike out in its entirety subsection (a) which begins on line 29 and ends on page 103, line 40, and insert in lieu thereof the following:

(a) An aggrieved party.—(including the state or any subdivision of the state, except in criminal cases, delinquency cases and in need of supervision cases) may appeal from a final order, judgment or decree of the juvenile court to the supreme court or to the appropriate court of appeals in the same manner and within the same time after the entry of the order, judgment or decree as appeals from the circuit court in other cases are taken. Upon appeal, the court shall proceed to render such judgment as it otherwise provided for by law in such cases.

On motion of Mr. Torbert, said amendment was laid on the table.

Mr. Waldrop offered the following amendment to the substitute, as amended, for the Bill, S. B. 400, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED,  
FOR S. B. 400

Amend Substitute, as amended, for Senate Bill No. 400 Page 138 Line 11, by striking out or police officer after the word probation officer.

Which was adopted.

Mr. Baker offered the following amendment to the substitute, as amended, for the Bill, S. B. 400, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED,  
FOR S. B. 400

Amend Finance and Taxation Committee Substitute for S. B. 400 as follows:

In "Article 3-106. Benefits", on page 17, subsection (a), line 10, strike the word "seventy-five" and insert in lieu thereof the figure sixty-five.

MOTION TO ADJOURN LOST

At 9:50 P.M., Mr. Wilson moved that the Senate adjourn until Thursday, September 18, 1975, at 8:30 A.M., which motion was lost.

Yeas 4; Nays 21.

*Yeas:*

Messrs. Baker, Owen, Stewart, Wilson.

—4

*Nays:*

Messrs. Bank, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Powell, Shelby, Torbert, Vacca, Waldrop.

—21

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the bill:

H. 897. To further amend act No. 497 of the Regular Session of the Legislature of Alabama of 1965, approved August 20, 1965 (Ala. Acts, 1965, pp. 717-739), as heretofore amended, which established a pension system for employees and officers of Jefferson County, Alabama.

and requests a Committee on Conference.

And the Speaker of the House has appointed as the Conferees on the part of the House Messrs. Falkenburg, Waggoner and McNair.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Gilmore, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 897, the title of which is set out in the foregoing Message from the House.

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Messrs. Gilmore, Vacca and Pearson.

## FURTHER CONSIDERATION OF S. B. 400

The Senate proceeded to further consideration of the Bill, S. B. 400. The question was on the amendment offered by Mr. Baker to the substitute, as amended, for the Bill.

Mr. Bank moved that said amendment be laid on the table, which motion was lost.

Yeas 10; Nays 17.

*Yeas:*

Messrs. Bank, Foshee, Gilmore, Givhan, Jones, McDonald (S), Powell, Shelby, Stewart, Waldrop.

—10

*Nays:*

Messrs. Adams, Baker, Edwards, Ellis, Fine, Flipppo, King, Little, McDonald (A), McMillan, Mitchell, Noonan, Perloff, Perry, St. John, Torbert, Vacca.

—17

And said amendment was then adopted by the Senate.

Mr. Baker then offered the following amendment to the substitute, as amended, for the Bill, S. B. 400, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED,  
FOR S. B. 400

Amend Finance and Taxation Substitute S. B. 400 in Section 7-104, page 110, lines 15-30, by deleting that section in its entirety and inserting in lieu thereof the following:

“Compensation of circuit clerks.—Each circuit clerk shall be compensated by the state, beginning January 16, 1977, at a salary rate as follows:

(a) in those counties having a population of less than 25,000 according to the last federal decennial census, the circuit clerk shall be compensated at a salary rate of \$12,000.00 per annum;

(b) in those counties having a population of 25,000 or more but less than 50,000 according to the last federal decennial census, the circuit clerk shall be compensated at a salary rate of \$14,000.00 per annum;

(c) in those counties having a population of 50,000 or more but less than 75,000 according to the last federal decennial census, the circuit clerk shall be compensated at a salary rate of \$16,000.00 per annum;



(d) in those counties having a population of 75,000 or more but less than 100,000 according to the last federal decennial census, the circuit clerk shall be compensated at a salary rate of \$18,000.00 per annum;

(e) in those counties having a population of 100,000 or more but less than 150,000 according to the last federal decennial census, the circuit clerk shall be compensated at a salary rate of \$20,000.00 per annum; and

(f) in those counties having a population of 150,000 or more according to the last federal decennial census, the circuit clerk shall be compensated at a salary rate of \$24,000.00 per annum."

On motion of Mr. Torbert, said amendment was laid on the table.

Yeas 26; Nays 3.

*Yeas:*

Messrs. Adams, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Perry, Powell, St. John, Shelby, Stewart, Torbert, Vacca, Wilson.

—26

*Nays:*

Messrs. Baker, Flippo, Owen.

—3

Mr. Baker then offered the following amendment to the substitute, as amended, for the Bill, S. B. 400, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED,  
FOR S. B. 400

Amend substitute, as amended, for Senate Bill No. 400 Page 149 Line 11, by striking out Section "9-101 Definitions" through the end of Article 9 at the bottom of page 154.

On motion of Mr. Torbert, said amendment was laid on the table.

Mr. Baker then offered the following amendment to the substitute, as amended, for the Bill, S. B. 400, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED,  
FOR S. B. 400

Amend Finance and Taxation Committee Substitute for S. B. 400 as follows:

On page 126, line 40, and on page 127, lines 3 thru 15, delete Section 7.110 (d) in its entirety, and insert in lieu thereof the following:

(d) All circuit court reporters shall be covered by the state employees retirement system upon the date their compensation commences from the state treasury.

On motion of Mr. Torbert, said amendment was laid on the table.

And said substitute, as thus amended, for the Bill, S. B. 400, was then adopted by the Senate.

Yeas 30; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flipppo, Gilmore, Givhan, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—30

*Nays:*

—0

And said Bill, S. B. 400, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 31; Nays 0.

*Yeas:*

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Flipppo, Foshee, Gilmore, Givhan, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

—31

*Nays:*

—0

Mr. Torbert moved that the Senate reconsider the vote by which the Bill, S. B. 400, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

#### UNANIMOUS CONSENT REQUESTED

Mr. Jones requested unanimous consent to take up H. B. 603 out of order. On objection of Mr. Baker, said request was denied.

#### REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions and Senate Bills delivered to the Governor, with the date and hour of delivery, to-wit:

S. B. 183

S. B. 185

S. B. 464

S. J. R. 36

S. J. R. 101

S. J. R. 108

Delivered to the Governor September 11, 1975, at 10:45 A.M.

MCDOWELL LEE,  
Secretary.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 10:25 P.M., on motion of Mr. Owen, the Senate adjourned until Thursday, September 18, 1975, at 9 o'clock A.M.

